

UNIVERSITY *of* ALASKA ANCHORAGE



2004  
STUDENT  
SHOWCASE  
JOURNAL

*Celebrating  
20 years*



2004

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STUDENT  
SHOWCASE  
JOURNAL

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VOLUME 20

UNIVERSITY *of* ALASKA ANCHORAGE

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University of Alaska Anchorage

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# Acknowledgements

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We wish to thank all the faculty evaluators, moderators, and community commentators for making this year's conference possible.

## *The Journal*

Published works in the 2004 Student Showcase Journal were the award winning presentations of papers, projects, and performances at the twentieth annual Student Showcase Conference held at the University of Alaska Anchorage on April 7-9, 2004.



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# The Student Showcase Program

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The UAA Student Showcase Program is designed to highlight the extraordinary work of students throughout the University of Alaska Anchorage system. It is with great pride that we present the Student Showcase Journal for 2004.

The Student Showcase Academic Conference and Journal have been in existence for twenty years. The conference is a unique program in the State of Alaska with only students presenting original papers, musical performances, and projects. The Student Showcase Committee examines policies and procedures, reviews promotional materials, and selects award recipients.

Each year the Student Showcase creates opportunities for dialogue among university and community members. Students submit their best work for evaluation by objective faculty members from their discipline; selected works are presented at the conference; and distinguished community members are invited to evaluate, critique and comment on the students' works. The very best papers, performances and projects are published in the Student Showcase Journal and CD.

Students participated in the academic conference held on April 7, 8, and 9, 2004. From the sixty-two entries submitted, forty-three were presented at the conference, and twelve were chosen as award recipients. The conference participants (students, staff, faculty, and conference commentators) were invited to attend an awards luncheon where the winners were announced.

The UAA Student Showcase continues to be a success year after year and it is due to the continued support of faculty members, and of course, UAA students! We hope that this journal reflects the dedication and commitment of all those involved.





# About the Student Showcase

*Searching for Excellence*

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*Prior to 1998, a history of the Student Showcase at UAA was included in the journal. As this is no longer the case, I take this opportunity to share with the readers my vision of the need for a student showcase when I arrived at UAA Fall 1984. At that time, UAA was a very young university with few opportunities for intellectual and social exchanges that met the developmental needs of students such as a feeling of "group cohesion" and a "sense of belonging" to a particular institution.*

*The UAA Student Showcase was designed to meet students' developmental needs, search for excellence among students' works, expose students to activities important to an academic lifestyle, and develop closer working relationships among students, faculty, staff and administrators at UAA and between UAA and the community. As a culmination of showcase activities, outstanding works would be published in a journal, such as this one, which is the 20th journal production.*

*The Student Showcase and journal still remain unique in Alaska and provide a sense of accomplishment, recognition, and pride for our students and university. I extend my appreciation to all the faculty, staff, students, administrators and community members whose commitments have allowed the UAA Student Showcase to continue and flourish for 20 years. I believe the reasons the showcase was found are still relevant today.*

Sharon K. Araji, Showcase Founder  
Professor and Chair, Sociology  
Director of Women's Studies

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# 2004 Student Showcase Winners



*Front Row: (L-R): Elaine Nefzger, Zachary Miller, Lisa Benesch. Second Row: TC Epperson, Lauren Green, Alexander Jacobs, Bob Martinson. Back Row: Elizabeth Bradfield, Maryann Frazier, Carol Giannini, Erin Calder. Not Pictured: Jenny Jones and Cortney Jackson.*



# Discourse, Power, and Refusal in Arundhati Roy's *The God of Small Things* and Fadia Faqir's *Pillars of Salt*

Lisa Benesch

English 343: Contemporary Literature  
Dr. Patricia Linton, Professor

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It is possible, through critical analyses of literary works, to discover important links between text and cultural values. According to Stephen Greenblatt's "Culture," "texts are not merely cultural by virtue of reference to the world beyond themselves; they are cultural by virtue of social values and contexts that they have themselves successfully absorbed" (227). Therefore, by closely analyzing the texts of *The God of Small Things* and *Pillars of Salt*, it is possible to discover what social practices and discursive powers are at work and to identify the forms that give rise to oppose those powers in their represented societies.

There are parallels between the texts of *The God of Small Things* and *Pillars of Salt* that situate them well for a simultaneous comparison of discourse, power, and refusal. The texts have women hopelessly imprisoned in a patriarchal world without the voice and protection of men; brothers locked in abusive identities; fathers, ineffectual in their own failures, who have become impediments rather than role models; and, most unfortunately, they have children who are confined to the position of pawns in the internal struggles of social discourses that are rigorously resistant to

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change. Through the broken narratives of these texts, it is possible to piece together the fractured remains of individuals subjected to repressive discursive powers and, most interestingly, those individuals who rise up against and reject the roles that society has placed upon them.

According to Greenblatt, "The ensemble of beliefs and practices that form a given culture function as a pervasive technology of control, a set of limits within which social behavior must be contained" (225). In *The God of Small Things*, it is social discourse that gives rise to the "laws that lay down who should be loved, and how. And how much" (33). These "love laws" represent the system that administers caste and gender, which supports patriarchal power in Indian culture. In *Pillars of Salt*, it is the narrative voice of the storyteller that is representative of the patriarchal view of Jordanian society. It calls attention to the culture's behavioral norms, and illustrates how the discourse reacts to subjects who act counter to the accepted standards.

The regulation of women through a discourse of behavior expectations is well presented in both texts. In *The God of Small Things*, the "love laws" not only define whom a woman may love but define her status when she is divorced. It is readily apparent that Indian society does not "love" a divorced woman. She is the "wretched Man-less woman" (45) who suffers from "the constant, high, whining mewl of local disapproval" (42). Ammu, as the divorced mother of Rahel and Esta living at her family home, is not only without legal rights of inheritance but, without the legal presence of a man, she "ha[s] no position anywhere at all" (45). Her status is in sharp contrast to her brother, Chacko. While he is also divorced, he is not subject to the disapproval of society. As a member of the patriarchal society that regulates women, he is exempt from the confines of these behavioral expectations. Ammu and her children have no "Locusts Stand I. [ . . . ]. What is [theirs] is [Chacko's] and what's [his] is also [his]" (56). The power of India's

social construct of gender grants Chacko the ability to claim everything for himself and to announce the indisputable fact that it is “my factory, my pineapples, my pickles” (56).

*Pillars of Salt* possesses its own set of “love laws” through the social discourse of female chastity and fertility. These behavioral expectations have far reaching implications for women since the notion that women must be virgins when they enter the marriage state far exceeds the realm of mere expectation or desire. The importance of the requisite status of the virginal bride is explicit when, as the entire tribe waits boisterously outside Harb’s house for the necessary proof of Maha’s virginity, Harb is unable to perform his first marital act. The consequence of not being able to provide evidence of virginity is voiced by Maha when she says that “they will think I had no honor. The shame of it will kill my father. [. . .]. My family’s name will be tarnished” (45). When Maha balances this regulation of female purity against impending familial shame, she is forced to falsify the presentation of her virginity. While family honor is certainly important in this society, the more unfortunate reality for a woman who loses her virginity prior to marriage is that she is “nothing now. No longer a virgin, absolutely nothing. A piece of flesh. A cheap whore” (11). This is the fate that Nasra suffers at the hands of Maha’s brother Daffash when he rapes Nasra at knifepoint and seals her fate without incurring any consequences to himself. An affirmation of patriarchal power over women is in the position of Maha’s father when he learns of the incident. Speaking directly from an entrenched position within a patriarchal discourse that is blind to female justice, he says to Nasra that she “should not have tempted [Daffash]” (13). Setting aside the obvious oppressors, however, the text’s most explicit attitude of patriarchal power comes from an unexpected source; it comes from “Harb, the twin of [her] soul” (7). In the narrative, Harb reduces Maha to mere chattel to which she acquiesces: “‘You are my woman,’ Harb gasped, [. . .]. ‘I am your woman,’ [Maha]

repeated. [. . .]. 'You belong to me,' [Harb] insisted. 'I am yours,' [Maha] whispered" (54). The storyteller, however, will not accept that Harb is in love with Maha. A man cannot love a woman because it implies a position of equality between a man and a woman and, as the storyteller says, "[Harb's] mother realized how madly in love her son was and how strong was the spell cast over him" (59). The power of this silent instrument of control is reinforced by Maha's own voice when she says that "[h]orsemen of tribes must not like women" (51). Therefore, it is apparent that even between a man and woman joined together by a relationship of love, the patriarchal construct of control over women is inflexible in its refusal to adjust for human emotion. Its firmness against the empowering of women is uncompromising in its quest to maintain control.

Underlying each text is another powerful instrument, a force of control in the emotion of fear. It is embodied as a fear of violence for stepping beyond the societal bounds of acceptable behavior. These social discourses establish and legitimize inequality as a mode of power which gives rise to the indispensable emotion of fear. In *The God of Small Things*, fear is well represented metonymically in Pappachi and his moth. It is a fear of violence based upon the neurotic behavior of a man who is representative of Indian male society: the excessive fastidiousness, the obsessive need for recognition, and overwhelming jealousy of other's successes that fester over in the form of cruelty against women. Pappachi's reign of violence can only be arrested by another man, by his son Chacko, who "strode into the room, caught Pappachi's vase-hand and twisted it around his back. 'I never want this to happen again,' he told his father. 'Ever'" (47). However, this incidence of violence being put to a restless sleep is a minor one; the fear of violence in the patriarchal discourse of control is an issue on a grander scale as "You only had to look around you, Ammu said, to see that beatings with brass vases were the least of them" (49). However,

society is not willing to put an end to the oppression and violence to women when it is their perceived avenue of ultimate regulation. Just as it uses fear as its own means, it is bound by fear of losing control and bound by the emotions that emanate from the social rules constructed for the control of women and caste. In *The God of Small Things*, these emotions are “[f]eelings of contempt born of inchoate, unacknowledged fear – civilization’s fear of nature, men’s fear of women, power’s fear of powerlessness” (292). While the Ayemenem police sought Velutha for an alleged violation of the formal legal system, the actual violation committed in *The God of Small Things* was not one of those written down in books of statutes and laws. The crime of Ammu and Velutha was a violation of the unwritten but powerful laws of caste boundaries. When Police Inspector Thomas Mathew learns that Ammu’s boundary crossing was voluntary, he knew exactly what to do. He made a “premeditated gesture, calculated to humiliate and terrorize her [in] [a]n attempt to instill order into a world gone wrong” (246). However, the gesture by law enforcement personnel to the Untouchable Velutha was not so light. When the police find Velutha in the History House, he is fatally beaten. The police were not there only to bring a man to justice just because he had violated a written law, they were acting as “history’s henchmen. Sent to square the books and collect the dues from those who broke its laws” (292). The police did not view Velutha as a fellow human being; he was an Untouchable Paravan who had performed the unconscionable act of violating caste barriers and “[t]hey were not arresting a man, they were exorcising fear. [ . . . ]. After all they were not battling an epidemic. They were merely inoculating a community against an outbreak” (293). While the police dealt with Ammu and Velutha, the play of cause and effect were not limited to adults but exercised its greatest power and assured its future through the children, Esta and Rahel, who “learned how history negotiates its terms and collects its dues from those who break its laws” (54).



In the Arab society of *Pillars of Salt*, a married woman must live in fear of infertility. A woman who is unable to conceive a child has an “evil spirit inside [her] belly” (74). This fear leads Maha to submit to extraordinary procedures to exorcise the evil in order to open the door to pregnancy. Unfortunately, these procedures, cruel in themselves, are not born of medical science but of superstition and custom. It is women performing violence upon women in response to the expectations of society. A woman has no standing in society without a child and the fear of infertility has no outlet but in the belief that she has “no remedy left except cauterizing, except burning [her] skin and scarring [her] for life” (77). It is Maha that must suffer the social humiliation of her barrenness since “[e]very living creature would know [. . .] and start weaving stories and finding reasons for [her] barrenness” (69). Maha is painfully aware of her tenuous position within society and fears the patriarchal solution to her situation that she, like any other piece of unproductive property, would be tossed aside in order that Harb “could throw [her] away and buy another” (70). The unwritten rules of fertility do not allow Harb to be implicated in Maha’s inability to become pregnant which suggests that men must be held unaccountable in the case of reproductive failure. That men are held harmless from the causes of infertility is an important consideration in the continued control of women that sustains and empowers the patriarchal discourse in their society.

Discourse is a process that not only establishes the ideal image based upon a construction of expectations but it provides a mirror that allows its subjects to see how society views them in comparison to the ideal. How individuals view themselves in these texts is indicative of their social positions. In *Pillars of Salt*, Maha is intuitively aware of her social position in her Bedouin village and expresses the societal view in her own self-surveillance with her husband, “I was a virgin and virgins must not respond to their men. He might think I was a loose woman” (51); in response to her

inability to conceive, “I saw myself in every dry tree trunk, in sacks of dry hay, in stretches of arid sand dunes which extended across the horizon” (69); in her female companions as a “crawling ant in the distance” (213) and “[t]wo blurred crawling ants” (214); in response to her cultivation of her father’s fields that a “woman’s place was in a well-closed room” (20); and in response to society’s expectation that pious women should be confined since “[f]or a girl to be out at night is a crime of honor. They will shoot me between the eyes” (10). In spite of Maha’s expression of agency in her autobiographical “I, Maha” (5) that serves to establish her particular abilities to think, act, and choose, she is still subject to the interpellation of, and sees herself mirrored in, society’s established ideals.

In *The God of Small Things*, it is the introduction Sophie Mol and the Hollywood movie *The Sound of Music* that provides the ideal that Esta and Rahel unconsciously compare themselves against. According to Jacques Lacan, “discovery of the unconscious reveals a subject constituted in relation to another it cannot know and oriented toward an object that it can never possess” (np). Sophie Mol and *The Sound of Music* are Lacan’s ideal Other upon which Esta and Rahel establish how deserving they are of their mother’s love and of the grudging affection of their relatives. The children’s perception of *The Sound of Music* is:

[T]here was Baron von Clapp-Trapp. [. . .]. A captain with several children. Clean children, like a packet of peppermints. He pretended not to love them, but he did. He loved them. He loved her (Julie Andrews), she loved him, they loved the children, the children loved them. They all loved each other. They were clean, white children, and their beds were soft with Ei. Der. Downs. (100)

The children compare the ideal of lovable children presented in the film with themselves, together with Sophie Mol’s own Other characteristics, in order to judge themselves. What they find is that

they, in sharp contrast to the traits of Sophie Mol, are not “clean white children” but rather are the blowers of “spit bubbles”, that they “shiver their legs”, and that “they, either or both, [. . .] held strangers’ soo-soos” (101). In all respects, Sophie Mol is the ideal represented in the movie and Rahel and Esta are not. Therefore, Baron von Clapp-Trapp, and the male father figure he represents, “cannot love them” (102). Unfortunately, even when Rahel and Esta see the ideal that they need to achieve in order to be loved, they are consciously aware that they, as the dark-skinned Indian children of a divorced mother, can never realize this ideal. They are constrained by a discourse that they, as children, do not understand and the consequences of their actions would not be known until after the fact. Esta is intimidated into holding the Orangedrink Lemondrink vendor’s “soo-soo,” blamed for the death of Sophie Mol, and forced into accusing Velutha as a child abductor as a “small price to pay” (302). These are acts that Esta cannot understand and is powerless to avoid. Unfortunately for Ammu, Velutha, and the children, the costs of transgressions against society were large and had to be paid with lives, silence, and emptiness. With the deaths of Ammu and Velutha, the cries against the injustices against women and caste were left to the children who, as adults, had been silenced through fear, inadequacy to the ideal, and knowledge that their participation in history only served to perpetuate the power of discourse that destroyed the two people that they loved the most.

If discourse gives rise to the powers that oppose it, then a discourse must be able to adjust, renegotiate, or explain divergent behavior in order to maintain its jurisdiction. According to Greenblatt, “A life that fails to conform at all, that violates absolutely all the available patterns, will have to be dealt with as an emergency – hence exiled, or killed, or declared a god” (229). Greenblatt’s statement is supported in these texts since the individuals who stepped outside the boundaries of society and violated its rules,

were exiled, killed, or declared inhuman. For example, as a result of their caste-violating affair in *The God of Small Things*, Ammu was exiled from her children and her home and Velutha was brutally beaten to death. In *Pillars of Salt*, both Maha and Um Saad, in refusing to bow to the demands of their male abusers, were beaten, separated from their children, and exiled to a mental institution. In addition to the characters' distressing outcomes, however, is the insidious presence of madness. As Ammu and Velutha in *The God of Small Things* individually struggle with their conscious but forbidden attraction to each other, a consciousness borne of the powerful discourse regulating caste, they realize the impossibility of such a love but are nevertheless drawn to breach the caste barrier. Ammu's vision of the constraints against Velutha's movement across the cultural barrier is that "He could do only one thing at a time. *If he touched her, he couldn't talk to her, if he loved her he couldn't leave, if he spoke he couldn't listen, if he fought he couldn't win*" (312). Velutha, for his part, attempted to reconcile himself to the futility of the attraction in his position as an Untouchable Paravan and "[h]e tried to hate her. *She's one of them*, he told himself. *Just another one of them* [but] [m]adness slunk in through a chink in History. It only took a moment" (204). The repercussions of individuals crossing caste boundaries are not limited to the perpetrators and, after Ammu's affair with Velutha became known, even "Chacko had disappeared and left a monster in his place" (286), "blowing like an enraged wind through the Ayemenem House" (249).

In *Pillars of Salt*, when Maha and Um Saad rebel against their abusive and oppressed situations, they are institutionalized in an English-run mental hospital. After years in an abusive marriage, Um Saad's husband brings home a second wife and removes Um Saad from the marital bedroom to sleep on the kitchen floor. Um Saad is effectively reduced to nothing more than a household servant in her own home. She recognizes her powerlessness to effect

change in a culture that promotes male sovereignty: “‘Donkeys cannot climb up the minaret’s steps and call for prayer.’ It is impossible” (187). As her situation became more intolerable, Um Saad tells Maha that “I slipped out of my skin and rolled into another identity. [. . .]. I was young, a well-rounded woman with dyed hair” (187). In a society where women can be cast aside without consequence, Um Saad’s need for a new identity and an escape from her untenable situation gives rise to her ultimate persecution when her husband has her confined in a straightjacket and shipped off “[t]o the madhouse, where mind sparrows twitter and bees fly away” (188). For Maha, a widow after Harb’s death, her desire is to raise her child without marriage to another man and to work the land that is rightfully hers to cultivate. However, her desires are the not desires of her brother Daffash or of his community of men, and it is Daffash who physically abuses her in public and seals her fate when he says, “[h]ere she is. Look at her. She is mad. The bee of her brain has flown away” (216). His condemnation is echoed in the chanting of the small children who are witness to Maha’s capture and incarceration, “‘Mad – Maha. Mad – woman” (218). Daffash’s declaration of madness is supported by the patriarchal view of the storyteller who portrays Maha as a “she-demon” (27) who spreads evil and death and looks “haunted, and capable of slaying a man” (30). This combined condemnation leaves Maha under the total control of society’s patriarchal expectations. What remains of the preempted and invalidated desires of women become history at work through discourse. Through Um Saad’s children and by the witness of the children of Maha’s village, patriarchal discourse is silently and seamlessly transferred to the next generation.

Through the close analyses of the texts of *The God of Small Things* and *Pillars of Salt*, the cultural work that each society performs is clearly identifiable. In the Indian and Jordanian societies that they represent, the texts provide an insight to social constructs

of gender and caste that are obvious in their patriarchal oppression of women and subordination of lower class groups. What is of exceptional importance to this analysis is that they who tell their stories are, in fact, the oppressed; they are the women of their societies who are regulated by the very social constructs of gender oppression that their texts expose. From this unique point of view from the margins of society, these authors provide a compelling glimpse into their societies that cannot be found in the traditional and authorized patriarchal representation and allows a previously oppressed voice to avoid a death of “natural causes” (Roy 321).

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# In This Particular Body

*Elizabeth Bradfield*

CWLA 652: Graduate Writer's Workshop: Poetry  
Ms. Linda McCarriston, Professor

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## **Butch Poem 8: Maid of Honor**

Aqua rustle of taffeta over flattop, the foreign  
zipper up her spine, all up her spine,  
from coccyx to nape, her un-  
willowy arms in puffed sleeves,  
and her mother's voice muffled but  
clear: *For me, then. Wear it for me.*  
*It's your sister's wedding.*

There's a photograph I have of her at nine  
in Florida, standing by the mechanical elephant  
at Pedro's mini-golf, quarter in her pocket for the ride,  
one eye squint-shut, one hand in the hip-cocked  
pocket of her jeans. Tomboy in a blazer  
that her mother must have chosen  
with her, bought for her, approved back then.

May of 1968. Palm trees flagging over astro-turf.  
Yes, I think, each time I look at it, *how could anyone*  
*miss what she was becoming?* And yes, she should



be able to straddle that elephant, sit in the red saddle  
as her parents smile and wave and the upraised  
trunk blows luck all over her.

She pulls up to the church on a Nighthawk,  
the only vehicle she owns, swings her leg  
to the ground, underskirts rustling down  
over black boots. And now it's clear

to her mother on the church steps  
holding the bouquet for her other daughter, it's clear  
that even pumps and hose, a manicure, a waxing and,  
for god's sake, some makeup, even the desire  
that brought her here to *Try, for me*  
couldn't make her that kind  
of ordinary.

### **Butch Poem 6: Concerning the Dog**

The dog is depressed. Note  
her lackluster wag,  
her excessive midday naps.

The dog is lonely. She's found it  
difficult to make friends  
and strangers seem

frightened she may bite,  
which hurts her feelings.  
Me? I'm fine. But the dog

is clearly having difficulty adjusting,  
is misunderstood. The dog  
needs a better bed, needs

a vacation, a rewarding job,  
a wave from the neighbors.  
Look how she bows,

gentling herself before  
children and grandmothers,  
look at how they, given

chance, despite the pit bull  
of her head, allow themselves  
to love her.

### **Butch Poem 13: In the Mexican work visa office**

you were invited to sit in a battered chair before a battered desk.  
He looked at your face, your tits, your name, Lisa, its soft vowel  
finish feminine in any language, and recorded your responses to  
surname, eyes, hair, then checked the box next to *masculina*. At  
least that's how I heard it when you came home and told me about  
the green book used to track you there and how you had been  
named. It turns out the page reads *masculino*, a less true label for  
what I love in you, a step removed from rightly describing your  
body walking toward me, masculina.

## Butch Poem 5: A Contratenor Sings Handel's *Messiah*

Seven verses in, he has stepped out from the tuxed  
and taffetaed quartet of soloists. He has begun to sing:  
*Behold, a virgin shall conceive, and bear a son, and shall call  
his son Emmanuel.* Amplified by good acoustics, the hall  
is rustling a hushed accompaniment to the contratenor's solo:

*Lift up thy voice with strength; lift it up, be not afraid.  
Arise, shine; for thy light is come.* From my seat  
next to my parents, high in the mezzanine,

I can see heads turning, bending toward each other,  
toward the program, small lights coming on  
above the paper. My parents restrain  
themselves. But the rest of the hall  
is turning to the biography. Is lifting  
opera glasses. Is straining ears to hear him:

*Then shall the eyes of the blind be opened,  
and the ears of the deaf unstopped.* He is singing  
the alto's part in her key, his voice light and clear.

Whispering underscores the music:  
What is this high, sweet voice in a tuxedo?  
I am transfixed. I want to reach under his starched  
shirtfront and find a different sex. Listen to him –

*He was despised and rejected of men; a man  
of sorrows, and acquainted with grief.*  
He's singing the score and another story alongside it:

*He hid not his face from shame.* Through  
these old words, he is making song  
of the drag queen and the bulldyke.  
Let him sing without the accompaniment

of rustle. Let him sing without any doubt  
between body and voice: high but not shrill,  
more lovely than the wide-skirted soprano,  
the chunky tenor, the dapper bass. I watch  
his shine-parted hair, his weight shift at key change.

*Thou art gone up on high, thou hast led captivity  
captive, and received gifts for men.*

Afterwards, in the bar, where anemones  
splay open and salmon flick through  
canals designed for our wonder, no one  
mentions the contratenor. My parents,  
I think, are trying to navigate the appropriate  
path of the moment, as am I. But he's all  
I can think of, his rolled rs, his adam's apple  
lightly lifting his tie at crescendo. Onstage,

*Then shall be brought to pass the saying  
that is written, Death is swallowed up in victory.*

billed as high culture, applauded, at last  
what I love in women mistaken as men,  
this unsettlement, this being seen.

## Concerning the Proper Terms for a Whale Exhaling

*Poof* my mother says  
as against the clearcut banks near Hoonah  
another humpback exhales, its breath  
white and backlit by sun.

*Don't*  
*say that*, says my father, disapproving  
of such casual terminology or uneasy  
with the pink tinge of tulle, the fabulous flounce  
*poof* attaches to the thing we're watching, beast  
of hunt, beast of epic migration.

But I am the naturalist,  
suggesting proper speed and course for approach. They  
are novices, and the word is mine,  
brought here from the captains I sailed for  
and the glittering Cape Cod town  
where we docked each night  
after a day of watching whales.

*Poof*,  
Todd or Lumby would gutter,  
turning the helm, my cue to pick up  
the microphone and begin. I loved the word  
coming from those smoke-roughed cynics  
who call the whales *dumps*, rank the tank-topped talent  
on the bow, and let slip their biophilia each time  
they set a breaching calf in line with the setting sun,  
saying *What do you think of that? Now that's*  
*what I call pretty*. And then sit back,  
light a cigarette.

Even more, I love  
the word because of the dock we returned to  
each night, teeming with summer's crowds,

alien and overwhelming after a day of horizon, the dock  
crowded with men lifting their lovely hands  
to other men, flooded with poofs  
free here to flutter, to cry, as they couldn't  
in Newark or Pittsburgh or Macon, to let  
their love rise freely into the bright, warm air,  
to linger and glow  
for a brief time visible.

### **Infrared Reflectoscopy**

You can't guarantee this sanctioned tom-peeping  
does nothing. It may not be harmless to expose

the artist's reconsiderations. Perhaps just a skew  
to the pigment, perhaps a wedge in the time-crack

of drying oil that later fractures cheek, fruit,  
the sky's thin veneer of blue glossing what had once

been seraphim. Or do the rays excite a shadowed self?  
Maybe the hound by the boot of the lord, brushed

into shadow, is now shaking off his inferiority  
complex, readying to return as prodigal.

I ask my grandmother if she thinks her silent  
husband, gone twenty years now, would have loved

what I've become. I know he'd rather not be shown  
what has forced up through the girl who followed him,

learning to hook worms, row, split wood  
and shape cigar smoke into rings with her tongue,

who I feel underneath these layers of time I wear,  
who I recognize in my cast shadow. I know that to him

she was considered complete,  
and this reworked self not intended

## Remodeling

— *for Lisa*

We want a hole in the north wall, a hole  
then a window, for light, for the green spruce  
just beyond the vinyl siding. We've managed  
to forget the night last spring

when Emilio, Michael, and Pierce, whose baseballs  
we return, who we lecture on the sensitivity  
of tomato plants, who ring our doorbell  
selling chocolate and wrapping paper

...we've almost forgotten the night last spring  
when the boys climbed the shed roof  
and saw this:  
my shirt up around my neck,  
your hand on my breast, my body beneath  
yours on the couch, moving.

When I opened my eyes and said *shit*, you  
buried your face in the couch, as if

they might assume your short hair meant *man*,  
as if that might be better. And instead of cursing

them, instead of throwing open the window  
and telling them off, I pulled the blinds and hid.

And for months we walked the dog  
in distant parks, skulked to the mailbox.  
We imagined the stories rumoring the cul-de-sac  
and how they'd sound when they reached the parents:

*They were doing it in the back yard, under spotlights,  
charging admission. They said we  
ought to try it. We waited*

for the spraypaint, the busted out taillights.  
Worse, we were ready to understand... But now  
we want a window in the north wall.  
We want the spruce-shade. We want  
to announce how much we love  
the sky, how its light finds us, too,  
even here.



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# Essential Representation

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As the literary community witnesses the progression from, or evolution of, postmodern theory to a sort of realism, it is essential to analyze postmodernism as it exists in current fiction while still under its influence. Postmodern theory evolved, rather than split, from Modernism. A cross-discipline theory, postmodernism contrasts with the concept of modernism in that the postmodern tendency is to look for connections in text, as opposed to autonomy. In postmodernism, there is a craving for the entangled, disunified, unfinished, and changing subject. The world of postmodern theory is a labyrinth, rich in metaphor, yet considered in many ways unoriginal. The world of art is challenged, distanced from the notion that created work is new, because everything contains, in some form, elements of something else. Postmodernism is skeptical of universals and absolutes but seeks contradiction, paradox, and conflict. The most discomforting elements of a postmodern novel may not be resolved at the end, as postmodernism accepts, even celebrates, lack of closure. Why such a turn then? Perhaps what some would see as despair in the postmodern, to others seemed more real? Perhaps the emphasis on disunity, on the changing subject, or on an ending that is dissatisfying results from seeking accuracy previously unsought. There are many facets to

postmodern theory such as subjectivity in its various forms, subject position, metafiction, intertextuality, epistemic privilege, or critique of representation. Many can interplay within a single novel, but a significant, almost unequivocal, topic in terms of the postmodern novel is Critique of Representation.

Critique of Representation involves the issue of the relationship formed between language or image and that which it stands for, possibly a thing or an experience. It examines all aspects of representation, with the intent being to study the relationship, not necessarily to criticize it, and there are not always answers. Critique of Representation becomes extremely important in postmodern novels that address the problem of representing that might be contrasted by different perspectives, cultures, or by the truth deciphered by the reader. Of significant importance is the way in which power or mastery is delineated in representation depending on the creator.

The questions that arise in regard to Critique of Representation are many. In anything that stands for something that one lived through or that stands for something that is inanimate, there will always be different interpretations as to how that should be done. There will always be questions as to whether what is created is worthy of what is sought to portray. There are numerous methods of representation. Language, including images, paintings, and gestures are representations. Representation is an element of life, for life is preserved by the ways in which it is portrayed and remembered. Yet, the way in which a story, an event, an experience, or a life is captured on paper, in illustration, or in demonstration, is relative. There are different dimensions to critique of representation: is representation demonstrative of either universal or individual ideals? Furthermore, what makes representation, on the both the universal and the individual level, true or beautiful, and are truth and beauty the same? If representation is universal, then it must be applicable to cultures worldwide; however, cultures worldwide

place different value on truth and beauty, so perhaps it is thus individualized. If representation is individualized, who is privileged to create? Must one experience to represent? Where do beauty and truth lie – in the representation itself or in the observer? What is the objective?

Clearly it can be deduced that critique of representation has broad possibilities of study and that inquiry into a specific representation might not yield ready conclusions. Yet the tantalizing questions raised by the theory are valid precisely because they are difficult to answer. The whole point is to challenge.

Critique of Representation becomes particularly interesting in its application to fiction. For instance, the comparison between *Atonement*, a Western novel by Ian McEwan, and *My Name Is Red*, an Eastern novel by Orhan Pamuk, demonstrates the universality of the concept of critique of representation. Both novels distinctively address issues specific to the culture in which they were written; however, it is in both novels a central technique, and thus the two are parallel. Therefore, critique of representation becomes the basis for critical analysis between the postmodern components of both *Atonement* and *My Name Is Red*.

*Atonement*, written by Ian McEwan, examines critique of representation in terms of language: the act of writing and the truth of interpretation and portrayal. *Atonement*, in characteristic postmodernism, develops a tragedy never fully reconciled. It simply *is* a tragedy in its own right, and that is hard to accept. Briony Tallis, a young girl not yet capable of distinguishing the reality of adult events and blinded by her own presumptions, essentially becomes the driving force in convicting the innocent man her older sister, Cecilia, has fallen in love with, of assaulting their cousin. In reality, Robbie Turner, whose mother works for the Tallis family, is educated, intelligent, and guilty only of expressing his attraction to Cecilia in a very clumsy and unintentional manner. Yet it is Briony's unwavering accusation that Robbie is the one who attacked their

cousin that becomes the act for which the rest of the novel, through the course of WWII and the end of the twentieth century, seeks to atone. Not surprisingly, there are consequently many passages in the novel that bring in the questions of Critique of Representation. An early metafictional passages calling the reader's attention to the fact that she is reading as opposed to drawing the reader so deeply into the story that the reader is lost in the fictional world, is evident in the first section of the novel. Here the reader is told that "within the half hour Briony would commit her crime" (146). This strikingly short passage is so powerful because it emphasizes the effect of the literary technique of metafiction. The reader here is jolted to the awareness that not only is she being forewarned that something terrible will happen, but she is also being told *by the novel* that something terrible will happen *in the novel*. In relation to critique of representation, what is the effect of this passage? It obviously causes the reader to think about varying degrees of transgression that might appear at any time within the next few pages. It gives power to a representation that disrupts the typical linear flow of the novel where the reader learns what will happen only when it does. It begs the question, what is the crime? Thus it becomes clear that to remove this passage would lessen effect. The relationship of language being used to represent the nature of the crime introduces the element that will plague the succession of the novel: how true is the linguistical interpretation of the crime? Critique of Representation is what forces the reader to examine this question and to seek to decipher truth in the words that expose the crime, as spoken by Briony.

The inherency of the truth of Briony's words is placed into doubt by the knowledge the reader receives that Briony decided what was true simply by what she believed should be true:

. . . she had seen Robbie's letter, she had cast herself as her sister's protector, and she had been instructed by her cousin: what she saw must have been shaped in part by

what she already knew, or believed she knew (115).

Briony is young, inquisitive, and largely mistaken in her interpretation of many events, not just the crime. She does not understand the feelings that transpire between her sister and Robbie in the yard, and she gravely mistakes the intimacy explored by Cecilia and Robbie in the library as Robbie attacking Cecilia. Thus, the question of the truth of representation is a predominant subject in the novel. It is clear that the truth is not what Briony mistakenly presents to be true and also clear that it resulted from the fact that she decided that Robbie was a bad man before she stumbled upon her attacked cousin. Her predetermined belief in the monstrous characteristic of Robbie's nature pushed her to accuse him immediately as the culprit, without question. What is the objective of Briony's representation of the crime? She states that she "cast herself as her sister's protector," implying that she considered herself the only one capable of fending off the fiendish Robbie (115). She sought then, in representing life around her, to capture the truths of reality that others did not perceive, such as the nature of Robbie's character, which she claimed he hid from everyone for years. Yet, evident in her stories, Briony is portrayed throughout the novel as someone who wants to portray the truth not only as she believes it, but also, as she would have it. It is this fallibility in Briony that is cemented by the ending, in which Briony reveals herself as an unreliable narrator:

It is only in this last version that my lovers end well, standing side by side on a South London pavement as I walk away. All the preceding drafts were pitiless. But now I can no longer think what purpose would be served if, say, I tried to persuade my reader, by direct or indirect means, that Robbie Turner died of septicemia at Bray Dunes on 1 June 1940, or that Cecilia was killed in September of the same year by the bomb that destroyed Balham Underground Station. That I never saw them in that year . . .

How could that constitute an ending? What sense or hope or satisfaction could a reader draw from such account? Who would want to believe that they never met again, never fulfilled their love? . . . When I am dead . . . we will only exist as my inventions . . . no one will care what events and which individuals were misrepresented to make a novel (350).

It is in the last pages that Briony reveals the extent of her unreliability: she has presented the story the way she believes the reader will best receive it. She reveals that Robbie and Cecilia actually died before they could be reunited and that this happier version is her atonement for the crime she never made up for in real life. The younger Briony was unintentionally mistaken in her interpretations; the grown Briony willfully deceives the reader. She believes that giving Cecilia and Robbie happiness, in the only manner in which they are to be remembered, would be what they and the reader really want. What does the reader want out of representation? The conclusion of *Atonement* attests to the desirability of accuracy, for what is consoling about being led to believe a lie? The significance of representation is so crucial in *Atonement* because Briony chose to reveal the deception. Being led to believe the lovers were reunited would be different if the reader were never informed that it was a false belief. Being led to believe the lovers were reunited and then informed not just of the despair of reality, but also that the reader has been tricked, puts the entire representation of the novel into question. There is extreme emotional investment in the plight of Robbie and Cecilia, in that they parallel the ache of all lovers in war, but further in that they were so wronged. Would *Atonement* be so detestable, yet so moving, had the element of Briony's unreliability not been such a matter of discussion? Perhaps the reader likewise wishes for the truth to be what she desires it to be for Robbie and Cecilia; perhaps the force of *Atonement* comes from the power Briony assumes in her represen-

tation that the reader, while subject to, cannot believe. If there are answers, then while it is difficult to sympathize with Briony in the beginning, it is nearly impossible to forgive her in the end. If there aren't answers, then perhaps Briony was right that the reader would prefer the misrepresentation of happiness to the actuality of grief. Perhaps it is the theory of Critique of Representation that is the most accurate: there is a fine line between the right answer and the wrong one, and sometimes, it is blurred. The substantial effect of *Atonement* seems to come from the fact that the narrative is incredibly disturbing in its revelations but too moving to reject.

Thus, while the postmodern concepts, such as Critique of Representation, seem at times to explore relationships that are hard to classify as true or beautiful or right, and are weary of absolutes, they also demonstrate impact in literature worldwide as they are applicable to culture internationally. It is true that while postmodern technique is relative new in Western culture, it has existed in other literatures, notably Eastern, for centuries. However, such distinction of when postmodern techniques were first utilized in each culture has minor impact on analysis of postmodern characteristics because such decidedly Western and Eastern novels such as *Atonement* and *My Name Is Red* demonstrate great parallels that support the applicability of linguistic theory. For instance, *My Name Is Red* by Orhan Pamuk, like *Atonement*, significantly relates to Critique of Representation, though through different representation, that of art, as the focus. Set in sixteenth-century Istanbul, *My Name Is Red* tells the story of artists who have been commissioned to create a book that commemorates the greatness of their Sultan. However, as particularly Western influences in art begin to infiltrate the realm, and the artists themselves demonstrate such traditionally undesirable characteristics as individuality and style, the book must be kept secret. Following a murder mystery and the completion of the book, with images that contrast the Eastern customs of the great masters, *My Name Is Red*



becomes a significantly appropriate novel in terms of Critique of Representation. For in *My Name Is Red*, the question becomes, is this representation of the worldly realm through art acceptable? Is it beautiful? Most importantly, which representation, traditional Eastern or new Western technique, is most appropriate in terms of the art itself? To ascertain the appropriateness of artistic style, perspective decidedly becomes a major issue. The humility of the great masters, who would greet blindness as a perfection of their skill, might be less graspable to a younger artist filled with notions of originality and recognition. It is early in the novel, when the reader is introduced to the murderer, who has killed one of the artists, that the conflict over representation in art is evident. Involved in the creation of the book but caught in uncertainty, the murderer addresses the reader:

Give me the license not to dwell on every single detail, allow me to keep some clues to myself: Try to discover who I am from my choice of words and colors, as attentive people like yourselves might examine footprints to catch a thief (17).

This metafictional passage engages the reader in the very act of representation, for the murderer is attempting to get the reader to use his illustrations to determine who he is. He says to use his "choice of words and colors," both representational creations, in order to assume his identity. The passage thus relates particularly to the objective of determining the worth of artistic representation as presented in the novel, for he seems to be saying that a good representation would hold the necessary clues that would relate to his identity. This would be a Western attribute of art, that the artist would be recognizable because of the characteristic of the artist's work. Even the murder recognizes this, because he then asks, "Does a miniaturist, ought a miniaturist, have his own personal style? A use of color, a voice all his own?" (17). It would seem, by

this question, that the murderer is pulled by the concept of individuality; he almost seems to desire his own utilization of color and skill, his own voice. He not only speaks to the reader and disrupts the narrative, but he supports representation that attests to the skills of the individual artist.

Another question that arises soon after is the purpose of representation. A representation of a tree, a picture of a tree, ironically has the voice the murderer wonders if he has, but speaks in terms of the representation it desires to be: "I don't want to be a tree, I want to be its meaning." (51). It can be proposed that the tree doesn't want to be a tree; it wants to be the *idea* of a tree. The purpose of art is to represent the meaning, the idea, of something because sometimes meaning can be superior to reality. Reality cannot always attain the intensity of meaning, as deciphered by the mind, and furthermore, meaning is more significant when the representation is tied to the individual. The tree says also that "looking at the drawing of a tree is more pleasant than looking at a tree" because a drawing encompasses a story; a drawing is of some essence that pertains less to matter than to the feeling of it or to the experiences behind it (51). The tree recognizes that to represent a lasting, ideal notion of a tree is more powerful than to actually be a tree that will one day wither and die. Critique of Representation here serves to examine value in the terms of artistic representation by saying that, in some way, representation captures the greater essence of a thing that the thing itself might not emulate.

Continuing the parallel with *Atonement*, the end of *My Name Is Red* also places much of the story in question by exposing an unreliable narrator:

In the hopes that he might pen this story, which is beyond depiction, I've told it to my son Orhan . . . . For the sake of a delightful and convincing story, there isn't a lie Orhan wouldn't deign to tell (413).

This comment on unreliable narration is not only postmodern; it also incorporates Critique of Representation by insinuating that the story is “beyond depiction” anyway (413). How could this be, though, when the tree has just told the reader that the representation is somehow superior to reality? It would appear that a story, which might utilize falsity to better its existence and could not be told as it was for possibility of failure, would be like the tree in representing the greatest notion of what it sought to portray. That is, the tree sought to be the meaning of a real tree, believing the idea of it to be greater than the real thing. A story, which has been told better than as it actually occurred, also maintains the objective of representing the highest view of something, of epitomizing the supreme notion of what a tree or a story is. Therefore, Critique of Representation encompasses not only that which is true or beautiful, but also that which is almost a godlike view – the best portrayal of what a thing or experience ought to be.

Critique of Representation, as a postmodern premise, assumes the position of examining the relationship between some item or experience and the representation through language, art, or other form that stands for it. If an item has to be seen or experienced, how could anyone who didn’t see it or experience it, understand much of anything? One has to know a little about something in order to recognize it when presented with the opportunity to know more about it. The relationship between an item and that which it represents allows for interpretation to exist. One need not necessarily experience a crime firsthand to relate to the impact of its consequence; one need not be an artist to understand the difficulty of capturing the essence of something. Truth and beauty might be relative, individuality might presume upon the universal, and the greatest excellence might lie in the perceiver as opposed to the representation. Yet Critique of Representation meets its objective: to expose the relationship that exists between an item or event and that which stands for it, is to recognize the implication of the

interpretation, the possibility of inclusiveness, and the importance of representation.

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# Where Bruises Count as Comfort

## *A Short Collection of Poems*

*TC Epperson*

CWLA 652: Graduate Writer's Workshop: Poetry  
Ms. Linda McCarriston, Professor

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### **Poem Breeding**

No matter its lusty outstretched genitals, an orchid  
with three sets of chromosomes won't cross-  
pollinate, so the hybridizer match-  
makes attending to the microscope,

edits the parents each into one gender,  
castrating the pollen caps to introduce  
zesty paternal dust into the grail-shaped stigma  
of the chosen "mother" flower.

With obstetric patience, he measures  
daily the seed pod's eagerness to cast,  
prepares a nutrient brine and waits  
to gather, sow, and realize

the tiny protocorm as it begins.  
He holds steady heat and light for root hairs,  
which stretch like fingers on an ultrasound.  
Steady the emerging poem, bract and sheath, is

Hardening off as I acclimatize it too,  
Break it from its sterile field and let It-  
Of-the-Hardy-Parents gain a self, distinctive,  
That in peculiar colors

blooms.

## **Will**

from Genesis 32: 24-30

Can I still call it prayer when I come away  
with my knuckles bruised?  
Will you so many time impair my hip  
that I stop being Israel, Struggler-with-God, and wilt  
to a mere by-gone, crumpled  
by your power yet contesting it?

I will not redefine the terms.  
I will not limp out of the ring  
telling myself that you're irrelevant;  
as if I'm every morning Paul,  
shielding my eyes.

How many rounds can I face you and live?  
Would you really end up killing me?

Yea, though I walk through the valley of shadow,  
where your thrashing is my only proof  
of you, where bruises count as comfort- rod and staff,  
yet will I stumble forward saying  
"heaven, heaven, heaven"  
Long after that's stopped being  
Impetus enough to endure you.

## Day of Atonement

*Aaron must wear...bells...when he enters the Holy Place  
Before the Lord and when he comes out,  
So that he will not die. —Exodus 28:35 NIV*

In our childhood tabernacle under the table  
we sang the Hong Kong phone book entries:  
    *Chan, Chan, Chan, Cheung, Cheung, Fong*  
like hand bells jangling.

Ten years, you grew into a look alike  
of Lady Di, young and popular.  
I wanted to fill your field of vision.  
I wanted you to never notice me.

Somewhere we crawled out of the Holy  
of Hollies into bras and trying  
to learn to be Americans,  
both had our children way too young.

Now we pretend to have known each other—  
that quick tongued tomboy and that beauty queen.  
Your field of vision looks minute to me  
and we have nothing to say.

“The kids are fine; the husband’s fine.”  
You have grown fat. I do  
not want to be you any more,  
but if you asked what I miss most,

it’d still be you  
and me in accidental prayer,  
touching strangers before the face of God,  
not even thinking he could strike us down.



## Alexander Hamilton, after Losing a Duel to Aaron Burr

Adeline, I'd heard at the end you think back on life,  
but right now I've only pain plumbing into every image.  
I see Burr laying down his glove. Pain.  
My picking it up. Pain. And then that moment  
when I first began to wonder if I was acting out of arrogance, ah pain.  
Now a sudden looking forward.

In only hours I'll stand before God  
with what in my hands,  
a federalized bank? Consolidated debt?  
Will he even notice my life's accomplishments,  
or will he look straight at me and say *you're early*;  
*you just couldn't let your reputation go.*

I could have walked away from Jefferson,  
or Adams or nearly anyone;  
but Burr's bitten everybody in the back,  
and perhaps I imagined I could bite him back,  
would have supernatural grace  
to draw my pistol faster, make justice.

He was much younger, quicker. Physics won—  
don't let me be a deist now. I need to practice looking in God's face  
because—ah, pain—I'm running out  
of time to hide behind this vale. See, Adeline,  
see, the angels already come to gather  
up what's left. I was so impudent!

## Grace

Little speckled sparrow,  
whom I have set my eye on,  
do you want me to disentangle you?  
The wolf hound lumbers casually  
around the base of your tree.  
Would you like me to call him off  
with a whistle? I wait on your chirp.

Little speckled sparrow,  
you've begun to panic,  
your foot caught in the bird net  
that you blame on me.  
You pull against it till you bleed.  
I can't free you till you still;  
must I wait until you sleep?

Little speckled sparrow,  
You have refused me with your every tiny ounce.  
Should I overpower you to heal you?  
Should I honor you by leaving?

I will call off the dog and watch until  
you thrash yourself to death.  
Then I will extract you  
and breath you back to life.

## After Existentialism

God, I have a perfect image of you,  
a puppet of you in my head.  
I pull the strings  
and it dances.

I hang it in the closet in my head  
where I store the puppet replicas of all my friends;  
but you keep breaking out of the puppet,  
the closet, my head  
and scaring me to death  
with orange Lantana, glaciers, mars;

keep having your own opinion and insisting on it,  
pulling the strings  
and making me dance—  
    making me want to.

## Confession

I.  
World, I lied.  
Dressed in creeds and cannons, catechisms,  
lied straight to your face like Peter saying  
“no, no, damn it woman, I never knew him.”  
Lied.

Let you think at most I had religion,  
hid behind my vestments, candles,  
as though all I had to offer were Madonnas,

icons, these clanking rituals tied to my legs,  
dragging behind me as I run from them.

But I have more. In my chest a living one,  
permanent lover/guest who penetrates  
the caverns where I hid my bitterness,  
fills my subterranean halls with noon,  
heals what entropy keeps taking

When I should have introduced you,  
I sealed him up and hid him,  
called him metaphor so you could dismiss  
as mere ornament the piercing light of him  
glowing through crack in my façade,

miss the implication under every word.  
I've lied. Not told you what a power has been offered  
in the historic Jesus. But still you can't see can you?  
through that name I've clogged with decoration,  
quarantined behind a crafted screen.

II.

World, forgive me  
for that first time, when I raised my sword  
and in his name, took an ear off;

for the crusades of killing underneath  
the banner of a god  
I can no longer expect you to admire;

for Columbus personally, who documented people  
as though they were a form of botany  
and stole and stole and stole;

for the missionary who forced clothing on you  
more urgently than hope—  
remaking in his image;

for the man you saw last Sunday on TV  
waving his white wig hairs and his monocle  
to keep your eyes on him. Forgive me World.

I, the Church, forgot to tell you  
truth—so busy forcing my huge  
carcass on you,

forgot to obey the one I claim to follow,  
forgot to bow like and decent emissary  
and pass the vital information on.



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# Sei Shonagon and Peter Greenaway: Appropriating a 10th Century Heian Text

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Art 392: The Yamato-e Tradition of Narrative Scroll Painting  
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Sei Shonagon was a talented prose writer during the Heian<sup>1</sup> period in Japan. She was born around 965 AD and left a personal account of daily activities and observations about her life during her late twenties and early thirties while in the service of Empress Sadako during the last decade of the tenth century. Her name, “Shonagon,” meant “Minor Counselor,” and “Sei” was a reference to the Kiyowara family, of which her scholar-poet father was a member.<sup>2</sup> It is uncertain if she was married or had children, but she apparently lived promiscuously and was quite outspoken while at court. As a result of her brazenness it has been suggested that her final years may have been lived out in poverty, a kind of karmic retribution for her sins. What is clear is that her life ended in obscurity after ten years of service following the death of Empress Sadako who died in childbirth at the age of 25.<sup>3</sup> The focus of this paper is to examine how Shonagon’s writings have come to influence new generations, and particularly the artist Peter Greenaway.

In her web site for *The Tale of Murasaki*, a novel based on the life of writer Murasaki Shikibu<sup>4</sup>, Liza Dalby discusses Murasaki’s perceptions of her court rival, Sei Shonagon. Shonagon was a few years older than Murasaki and her time at court, with Empress

Sadako (the first Empress of Emperor Ichijō), preceded Murasaki's. Empress Sadako was displaced by Michinaga's daughter, Shoshi, to whom Murasaki was in service. This placed both of these women in competing camps and an environment of heightened emotions. Additionally, Shonagon appears in her own writing to be very witty, caustic and contemporary in her approach. It is little wonder, then, that Murasaki, the more shy and reserved of the two, would find Shonagon conceited.<sup>5</sup> As Murasaki noted in her diary:

“Sei Shonagon has the most extraordinary air of self-satisfaction. Yet, if we stop to examine those Chinese writings of hers that she so presumptuously scatters about the place, we find that they are full of imperfections. Someone who makes such an effort to be different from others is bound to fall in people's esteem, and I can only think that her future will be a hard one. She is a gifted woman, to be sure. Yet, if one gives free rein to one's emotions even under the most inappropriate circumstances, if one has to sample each interesting thing that comes along, people are bound to regard one as frivolous. And how can things turn out well for such a woman?”<sup>6</sup>

Dalby's research concurs with that of Ivan Morris (a translator of Sei Shonagon's diary): Murasaki had little respect for Shonagon's literary abilities and immoral behavior.

The historical context of the Heian Era is set roughly between 794 and 1186 AD. Sei Shonagon and Murasaki Shikibu were writing during the two hundred year rule of the Fujiwara family.<sup>7</sup> The Fujiwara's supported the Buddhist belief that Japan was undergoing life during the time known as either “The Life to Come,” or the “Latter Days of the Law.” This was the last of the three part epoch described in Buddhist texts as a time of decadence when Buddha's teachings would lose their power. It was similar to the same period in Europe when Christians were so anxious about the coming millennium that many of them abandoned their homes and fled to

the hills.<sup>8</sup> Buddhists were less affected but they did view the future with pessimism. This may explain their relaxed attitude concerning moral and why Shonagon's behavior was tolerated, though frowned on, by her detractors.

In 1928 Arthur Waley translated about a quarter of Shonagon's *Pillow Book*<sup>9</sup>, or, *Makura no Shoshi: A Notebook of Stray Impressions*. His introduction provides an excellent view of the world the two women shared. People of their era embraced the present, the *imamekashi*, or, things which were "now-ish" and "up-to-date." The Heian Court, although well informed about the texts of the past, was primarily interested in all things "modern." As a highly sophisticated and organized people, Heian culture differed from late European Gothic and Renaissance cultures in its lack of interest regarding mathematics, science or philosophy. Instead, their interests focused on the complex court calendar which was organized around ceremonies, pageants and processions that influenced daily activities. Religious services were fashionably observed, but mainly for their entertainment value.<sup>10</sup>

Even though Buddhism was prominent, the real religion of Heian-kyo was "the cult of calligraphy." Europeans held calligraphy<sup>11</sup> in high esteem at various times<sup>12</sup>, but not at the level seen in Asia where penmanship was paramount to be successful. The beauty of the written word was viewed as a virtue, not a skill, and a reference to a person being "good" was a credit to their penmanship and not their character. Only the most beautifully executed words would enthrall male or female suitors, and exchanges of poetry between them occupied a large amount of time in the royal court. For example, if a Japanese man glimpsed the fine writing of a lady before he actually met her, it was believed that through the excellence of her calligraphy alone love would ensue.<sup>13</sup>

With calligraphy scrutinized so closely, it is safe to assume that it was regularly practiced. Support of this view is found in a passage Shonagon wrote in 994 AD. Lord Korechika had brought the



Empress a bundle of notebooks for which he had no further use. Not knowing what to do with them, the Empress granted Shonagon's request to use the paper for a pillow book. The stacks of valuable paper provided her with the perfect opportunity to refine her calligraphy and use it as an expressive tool to record court life.

Shonagon's book is not presented like a modern diary. Instead, it is an odd collection of thoughts, events and poetry, a literary pastiche, non-sequentially arranged, presenting the reader with pages that were randomly produced and gathered together as a book at some later point in time.<sup>15</sup> The diary reveals a facile and witty author with a keen sense of observation as well as less desirable characteristics such as her pathological adoration of the royal family, hostility towards oppressive men, and disdain for the lower classes in Japan. It was the precursor of a form of writing known as *zuihitsu*, or "occasional writings," a literary genre that continues today and is viewed as a valuable form of literature. Her diary contains 164 lists along with "nature descriptions, diary entries, character sketches and anecdotes."<sup>16</sup> Because of the level of detail imparted about upper Heian life, Arthur Waley says "...it is the most important document of the period that we possess."<sup>17</sup>

Within the text one can find numerous references to the importance of writing. In an exchange between Shonagon and Fujiwara no Yukinari, a first cousin of her lover, Tadanobu, we find Shonagon chastising him for carrying on with a servant girl. In her diary entry she says, "Yukinari has no particular talents,..."<sup>18</sup> Her scornful comment was referring to his lack of ability at calligraphy, although just a few years later he ironically becomes known as one of the greatest calligraphers in his time. Later on, there is an exchange between herself and Fujiwara no Nobutsune. He was a laughable character who boasted that he could write any kind of poem. Shonagon quickly took up the challenge, and once she'd given him her request, he "lost his nerve" and disappeared. Apparently,

although quick enough to create a poem, he was embarrassed by his poor handwriting ability.<sup>19</sup>

This stress on hand writing skills is discussed by Shonagon in her list of “Annoying Things”: “When one sends a poem...to someone and, after it has gone, thinks of some small alteration- perhaps only a couple of letters that would have improved it.”<sup>20</sup> She goes on to express the value of writing:

“When someone is in a far corner of the world and one is terribly anxious about him, suddenly there comes a letter, and one feels as though the person were actually in the room. It is really amazing. And, strangely enough, to put down one’s thoughts in a letter, even if one knows that it will probably never reach its destination is an immense comfort. *If writing did not exist, what terrible depressions we should suffer from.* (Italics mine). And if it is a relief to put down, once and for all, the things that have been weighing on one’s mind, with a vague idea that the person in question may one day read what one has written, it is no exaggeration to say that the arrival of an answer can sometimes work like a real Elixir of Life!”<sup>21</sup>

These passages make it clear that writing held a special place in their culture, perhaps even more so for the women who were responsible for nurturing Kana calligraphy.<sup>22</sup> Her words underscore the courtier’s dependence on written communication as a form of expression. Shonagon was passionate about the “need” to write, believing that its practice could prevent depression. This Heian obsession with calligraphy sparked the imagination of a modern day artist and cinematographer Peter Greenaway (b. 1942) and led to the eventual production of a book, movie and DVD all titled *The Pillow Book*.

Born in Newport, Wales, Greenaway’s mother was a teacher and his father worked as a builder’s merchant. Of particular relevance to his background and early influences on his aesthetic

sensibility was his father's interest in ecology and his massive notebooks of detailed observations.<sup>23</sup> A lack of higher education meant that his father could never work as a naturalist, and sadly he died from stomach cancer shortly after retiring, thereby robbing him of the chance to pursue his love of ecology. Fortunately, the father's passion was passed on to Greenaway and influenced the essential structural components of his art and cinematic developments.<sup>24</sup>

Greenaway attended private schools and after graduation attended three years of art school rather than a university. In 1965 he began an eleven year career working for the Central Office of Information, working his way up from the cutting room to editor, making school documentaries for broadcast in England. During 1966 he began making short films and became interested in continental structuralist/poststructuralist philosophy. His first influence in film came from Ingmar Bergman's "Seventh Seal," a film that dealt with metaphor and symbolism instead of American psychodrama. At that time he was still an art student and took the next two years to immerse himself in European cinema, studying the films of Michelangelo Antonioni, Pier Paolo Pasolini, Jean-Luc Godard and Alain Resnais, who were either members of, or artists influenced by, the French Wave.<sup>25</sup>

The late '50's and early '60's experienced a surge of cinematic experimentation incorporating new ideas and technologies. One thing that set the French New Wave directors apart from others was their previous experience as film critics. They used their background in film theory and criticism to influence changes in cinematic techniques, and in turn, raised it to an art form. Another difference was their interest in older cinematic styles. Bored by the highly formulaic films of studio-bound directors, they turned to works from the 1930's by Jean Renoir and Jean Vigo in France and Roberto Rosellini and Vittorio De Sica in Italy.<sup>26</sup>

Not surprisingly, the most notable American film maker they praised was Alfred Hitchcock, who changed the direction of

Hollywood films. One of the distinctive elements of Hitchcock's work was authorship, a trait revered by the New Wave directors. Authorship allowed them to advance recognizable themes throughout their corpus of works. Another distinctive quality was the handling of characters.<sup>27</sup> Characters in New Wave films were portrayed as marginalized, anti-heroes, suspicious of politics and with few or no family ties.<sup>28</sup> These character types were effectively presented using new film techniques.

The advent of new, lighter cameras, faster film and portable sound and lighting equipment were technologies that helped the New Waver's. These new developments allowed for location shooting, putting the cast and crew out into the real world, providing limitless settings and the films cost less to produce and could be finished quicker. Directors could therefore make decisions on the spot, allowing more artistic freedom. Camera shots assumed new positions and angles. Editing techniques favored discontinuous methods, such as the jump cut, where two shots of the same thing are cut together roughly, resulting in a jumpy view on the screen. They also used extraneous footage as inserts between scenes, making a break in time or thought. Long takes became common, as well as "real-time," where the plot and the screen shot could be equal in length. Improvised lines and strong leading roles for women contributed to the new look.<sup>29</sup> The combination of all these elements resulted in movies that attracted viewers disillusioned with the status quo. Peter Greenaway was one of those viewers, and the influences of the New Wave resonate in his movie, *The Pillow Book*.

The taxonomic quality of Sei Shonagon's original *Pillow Book* was the creative motivation for Greenaway's list of "26 Facts About Flesh And Ink," written in 1984. It uses the letters of the alphabet like numbers to present consecutive ideas that occurred to him after reading Waley's translation in 1972. His lead character is a woman, born in 1972, the same year he first read *The Pillow Book*,

and lives in Kyoto, as did Shonagon. The character's name is Nagiko, another reference to Shonagon, and her father is a writer. He not only writes on paper, but also on Nagiko's forehead and neck as part of an annual birthday ritual.<sup>30</sup> (Figs. 1&2). The act serves as a metaphor for God's creation of mankind, but eventually leads to Nagiko's obsession with the pleasure derived from the brush stroking her body. In this context, one senses affinities between Roland Barthe's notion of the body as a metaphor for text.<sup>31</sup>

As well a sharing a love of calligraphy, Greenaway's character of Nagiko resembles Shonogan in her courageous personality, love of men, and appetite for fine and beautiful things.<sup>32</sup> He underscores these parallels by providing his viewers with numerous flashbacks and storylines from Shonagon's book while juxtaposing images of the modern Nagiko and her actions in the film. This use of filmic juxtaposition and appropriation is reminiscent of New Wave directors who frequently alluded to old Hollywood films and storylines.

In another act of artistic appropriation, Greenaway used Shonagon's text for a section of the movie. The words were spoken while the screen provided images, sometimes with multiple insets, that illustrated what she wrote in her diary. However, for Greenaway, the viewing experience is not equal to reading the words. The visual medium restricts human imagination and the multitude of ways the story could evolve if enjoyed as a text. In the forward of *The Pillow Book* (1996), he noted that "It is this very intimidating gap between text and image which is, in many ways, the subject and substance of the film of *The Pillow Book*."<sup>33</sup> In the movie, Nagiko has been convinced by her lover Jerome to use his body as the paper for a series of books she wants to write. Her books will "describe the body as a book and the book as a body."<sup>34</sup> "Every time you see flesh you see text, and every time you see text you see flesh."<sup>35</sup>

During an interview in 1997, Greenaway was asked about the striking images in the movie and how they were achieved using

“television language.” His response pointed to British television and how it is used in that country for educational purposes rather than just as a means of entertainment. Likewise, he supports a more effective use of television, and to that end he incorporated small inset images in the movie that parallel the television screen and primarily consists of images of Heian events from Shonagon’s text overlaid on images of Nagiko and modern life. (Figs. 3 & 4). Additionally, he switches from black and white to color just as images do on T.V. So, instead of using the black and white images to portray the past, he alternates these two types of color format. He notes that the black and white technique is still seen as a way of showing truth, an element easily used to manipulate the audience since this too can be inverted.<sup>36</sup>

Although “audience manipulation” has a political sound to it, Greenaway says his purpose is not political. Art is artificial, and he makes it obvious that one is not looking at a “slice of life” or through a window of the world, even though the heroes are surrogates of himself. The risk in making such art films, he contends, is a difficult task and never fully successful. At the time his early films were screened he was able to upset the normative cultural expectation of the film being a form of pleasing entertainment. These films made his audiences uncomfortable and differ from his later films. In contrast to his earlier films, spectators could critically assess his later films by engaging in the semiotics of cinematic language instead of the “phony” storytelling element of narrative.<sup>37</sup>

Although he identifies problems, he believes the failures involved in cinematography will be overcome as technology progresses.<sup>38</sup> *The Pillow Book* DVD is a step towards improvement, not only in its incorporation of television language, but in the ability of the viewer to alter the linear path of time. In effect, Greenaway allows the past, present, and future to be viewed interactively, freed of normal “frame by frame” restrictions. However, for Greenaway, the image making process is more important than the film making,

and for this reason he began to explore museum and city-wide exhibitions that emancipated the viewer. Notably, *Stairs* (1994), was an event where 100 stairs were erected around Geneva with framing devices embedded at the top of the stairs like a “view finder” for individuals to frame various vistas of the city. The stairs were comparable to a stage that provided participants their own visual frames in public settings unbounded by artificial time constraints.<sup>39</sup> The work was meant to be a liberating experience for the Genevois as it upended their normative and humdrum daily activities.

Early in his painting career, Greenaway was influenced by the paintings and collages of the American artist R.B. Kitaj. (Fig. 5). Kitaj’s work stood in direct opposition to critic Clement Greenberg’s assertion that “the surface of the painting...(was) the only legitimate subject, and references to anything beyond the picture plane were to be avoided like the plague.”<sup>40</sup> Kitaj included images, abstract forms, and figurative motifs, painted or collaged, with handwritten or printed text, establishing a close relationship between painting and writing. Greenaway credits Kitaj with providing him with the stimulus he needed to legitimize his work, something which the art school had tried to strip away from him. Collage was a vehicle for producing works based on pastiche-like combinations while incorporating the all important idea from the 1960’s of the flat surface. Furthermore, collage provided Greenaway a modern way to present his subject without using narrative structures based on literature.<sup>41</sup>

By no means did Greenaway restrict his focus to collage. He simply used it as a point of departure. For some time he was actually caught up in “the flatbed picture plane” idea as put forward by critic Leo Steinberg.<sup>42</sup> Among other things, Steinberg’s definition stated the field of vision was parallel to the ground or sky. This can be seen in both “Computer Vocabulary” (Fig. 6) and his “Stellarscape: Semicircle” (Fig. 7), the “Chinese Wallet” series (Fig.

10) and *The Falls*” (Figs. 8 & 9). The assemblage-type work found in the later two series illustrates the elements of modern life: torn sections of printed text from newspapers, posters, books, cartoons, and advertisements. In these works, the viewer is allowed to experience the pieces in a free environment where conventions are not imposed. Looking at his collage, “If Only Film Could Do the Same” (Fig. 11), one can see his non-linear interest. The viewer sees that city life is chaotic and unorganized and not the center of order that certain post-war documentarians espoused.<sup>43</sup> As his paintings evolved, the flat-bed picture plane continued to influence his works. Landscapes were represented by diagrams, charts and aerial views. As he moved to other subjects, he came to favor one device above all others: the grid. The underlying purpose of the grids was to create a taxonomy of things: horseman, postcards, corpses, agricultural animal, Prospero’s books and texts.<sup>44</sup> The grids (Figs. 8 & 9) sometimes are structures for organizing things that don’t necessarily belong together: they are artistic inventions.

Greenaway’s structural propensities and taxonomical gestures allow one to understand how his work is viewed by others. His interests covering such fields as painting, film, opera, literature and exhibitions, both as author and director, find their roots in Pop, Minimal and Conceptual Art movements. He has at times also been labeled a post-modernist and post-structuralist, terms that are “associated with the dissolution of the figure of the author.”<sup>45</sup> However, these labels have less to do with the “death of the author” than with his “rebellious and ambivalent” nature. It seems that Greenaway’s eclecticism as an artist with his emphasis on categorization and structure places him in the modernist camp on one hand, while his use of contradictory structures (i.e., paradox) and the break with narrative formats places him in the camp of post-modernists.<sup>46</sup>

Although he works outside the mainstream of Hollywood and strictly narrative films, Greenaway realizes that his films have to



appeal to a large audience to pay for production costs. *The Pillow Book* has been quite successful on that level while fulfilling the director's artistic desires. It is different from many of his other films in that it has a cohesive story and a tidy ending, though the tale of love, death and revenge is fairly unconvincing (as it should be, according to Greenaway). The story is told in a kind of stream-of-consciousness manner, jumping from Nagiko's early childhood to adulthood and back again, then off to the Heian era and back, and is really a list of endings: "days, years, centuries, millennia, bodies, books, lives and cycles of abuse." At the end of the film the viewer witnesses new beginnings: a brighter future, a new baby daughter and maturity as a writer.<sup>48</sup> These certainly sound like a formula for a successful film.

However, the film could have had a different reception since it is visually more like a museum movie than a theater film. As previously pointed out, narrative is subordinate to a different logic. An example is the use of inset screens, which basically are used to exhibit cultural objects and everyday life, the folds in time, or thirteen "body-books." There is also the female voice-over reading of Sei Shonagon's list usually accompanied by visuals presented in the inset boxes. There are intertextual references, as when Nagiko sarcastically asks her husband if she should reduce her book collection to 100, or to just red books, or books with only 100 pages. Additionally, he utilized 26 written and spoken languages in the film.<sup>49</sup> These somewhat elitist techniques tend to lose about 80% of the main stream movie-watchers, as John Cage notes, while the remaining 20% are richly rewarded.<sup>50</sup>

This investigation of the relationship between Sei Shonagon and Peter Greenaway, two artists separated by a millennium, has only begun to illuminate their shared interests, but in summing up, it can be said they shared the love of text, categorization, observation, and of books. Shonagon's book is about life in another world, the privileged life of royalty, and is filled with observations, poetry

and mind-teasing lists. Greenaway's book is about a writer whose personal life becomes the lists. He played with metaphors like "to read someone like a book, the body of the text, the word made flesh," and sought linguistic purity as did Sei Shonagon. He gave a woman the hero's role and allowed the text to journey from where it began in Sei Shonagon's time to the current era, when he transformed her text into a completely new post-modern idiom.

The character of Nagiko rose above the patriarchal society of Japan by finding strength in the words read to her on each birthday from Sei Shonagon's book. Shonagon's act of creating her pillow book inspired Nagiko to become a writer, using flesh for paper and the body decoratively yet de-centered as the main subject, in true traditional Japanese style. Body shapes were not important, but its smooth white surface was, a negative allusion to European colonization and trade. Oddly enough, it was because of a westerner, Englishman Arthur Waley, who translated Shonagon's text in the early 1900's, that her book was given life and a new audience nearly a thousand years after its creation. Similarly, Nagiko's white skinned English lover convinces her to cease being used as the paper and instead to become the pen. Ultimately, regardless of how one feels about "the body as a book and the book as a body,"<sup>51</sup> the message delivered by Sei Shonagon via her various translators or appropriators is important artistically. For, out of the chaos of life each of us has the ability to organize our experiences as we see fit, recording them in odd taxonomical lists or non-sequential narratives and images. As we do so, our interests and dreams can mix like water on an inkstone, anticipating the future like a clean sheet of paper waits for the brush: the possibilities are limitless.



Fig. 1

Nagiko receives her 4th birthday calligraphy from her father.  
Peter Greenaway's *The Pillow Book*, p 13.



Fig. 2

Nagiko's father writes her birthday greeting on her neck.  
Peter Greenaway's *The Pillow Book* DVD.



Fig. 3

Inset image of Sei Shonagon with Nagiko and her father in modern Japan.  
Peter Greenaway's *The Pillow Book* DVD.

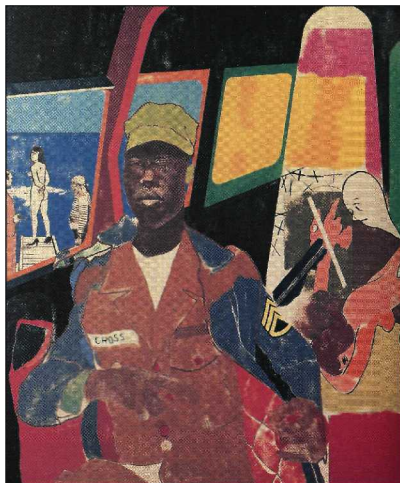


Fig. 4

Image from *The Pillow Book* DVD.

Photo from [www.splicedonline.com/97reviews/pillow.gif](http://www.splicedonline.com/97reviews/pillow.gif).



Fig. 5

R.B. Kitaj, *Juan de la Cruz*, 1967. Oil on Canvas, 6 x 5 ft.

*Art Across Time, Vol. II*. Laurie Schnieder-Adams. 904.

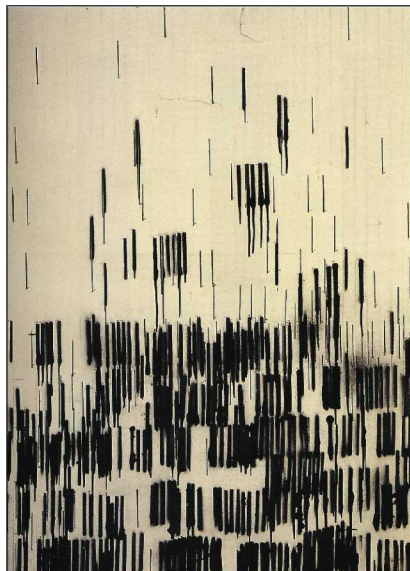


Fig. 6

Peter Greenaway, *Computer Vocabulary*, 1968.

Paul Melia & Alan Woods, *Peter Greenaway, Artworks '63-'98*. 34.



Fig. 7

Peter Greenaway, *Stellarscape: Semicircle*, 1968.

Paul Melia & Alan Woods, *Peter Greenaway, Artworks '63-'98*. 38.

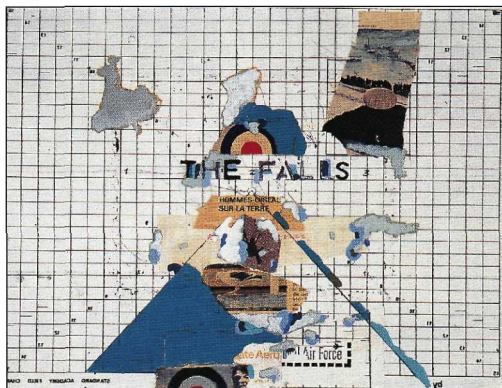


Fig. 8

Peter Greenaway, *The Falls: Fallaburr*, 1978-80.

Paul Melia & Alan Woods, *Peter Greenaway, Artworks '63-'98*. 69.

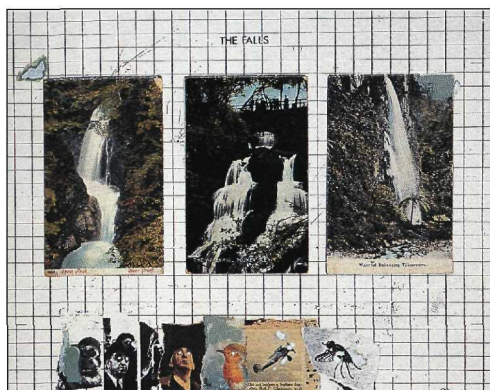


Fig. 9

Peter Greenaway, *The Falls: Fallabus*, 1978.

Paul Melia & Alan Woods, *Peter Greenaway, Artworks '63-'98*. 70.



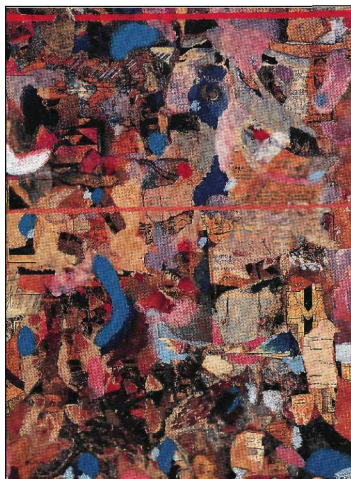


Fig. 10

Peter Greenaway, *The Chinese Wallet I*, 1972.

Paul Melia & Alan Woods, *Peter Greenaway, Artworks '63-'98*, 50.



Fig. 11

Peter Greenaway, *If Only Film Could Do The Same*, 1972.

Paul Melia & Alan Woods, *Peter Greenaway, Artworks '63-'98*, 47.

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Calligraphy Body Painting. Photo courtesy of Spliced Online.  
[www.splicedonline.com/97reviews/pillow.gif](http://www.splicedonline.com/97reviews/pillow.gif)

## Endnotes

<sup>1</sup> Heian-kyo, also known as Kyoto, from which the era's name is derived, was the capital of Japan beginning in 794. See Richard Bowring, *Murasaki Shikibu, The Tale of Genji*, 2nd ed. (Cambridge, United Kingdom: Cambridge UP, 2004) 1

<sup>2</sup> Researchers have recently discovered that her familiar name was Nagiko. See Bridget Elliott and Anthony Purdy, *A Skin Deep: Fins-De-Siecle and New Beginnings in Peter Greenaway's The Pillow Book, Peter Greenaway's Postmodern/Poststructuralist Cinema*, ed. Paula Willoquet-Maricondi and Mary Alemany-Galway. (London: Scarecrow Press, Inc. 2001) 255.

<sup>3</sup> Ivan Morris, trans. and ed. *The Pillow Book of Sei Shonagon*. By Sei Shonagon. (New York: Columbia University Press, 1991) 9.

<sup>4</sup> Murasaki Shikibu wrote the enormous *Tale of Genji* during the 10th century in Japan. For more information, see Murasaki Shikibu, *The Tale of Genji*, trans. Royall Tyler (New York: Penguin Books, 2001).

<sup>5</sup> Liza Dalby. *Tale of Murasaki Home Page*. 28 Nov. 2003.  
[www.taleofmurasaki.com/shonagonpage.htm](http://www.taleofmurasaki.com/shonagonpage.htm)

<sup>6</sup> Waley's book is abbreviated due to omissions that were made "where the original was dull, unintelligible, repetitive, or so packed with allusion that it required an impracticable amount of commentary." On the other hand, Ivan Morris' translation provides a detailed

account of the original text as translated. See Arthur Waley, trans., *The Pillow Book of Sei Shonagon*. By Sei Shonagon. (London: George Allen & Unwin Ltd., 1957) 5, and Ivan Morris, trans. and ed., *The Pillow Book of Sei Shonagon*. By Sei Shonagon. (New York: Columbia University Press, 1991).

<sup>7</sup> Waley 7-13.

<sup>8</sup> Waley 13.

<sup>9</sup> For calligraphic and manuscript developments in medieval Europe and the Middle East see the following: J.G. Jonathan Alexander, *Medieval Illuminators and Their Methods of Work* (New Haven: Yale UP, 1992); Walter Cahn, *Romanesque Bible Illumination* (Ithaca, NY: Cornell UP, 1982); Robert G. Calkins, *Illuminated Books of the Middle Ages* (Ithaca, NY: Cornell UP, 1983); Robert Irwin, *Islamic Art in Context* (New York: Harry N. Abrams, 1997); Annemarie Schimmel, *Calligraphy and Islamic Culture* (New York: New York UP, 1983).

<sup>10</sup> Waley 13,14.

<sup>11</sup> Morris 11.

<sup>12</sup> Morris states that some sections were written after the death of the Empress in 1000, so not everything was recorded as they happened.

<sup>13</sup> Morris 11.

<sup>14</sup> Waley 19.

<sup>15</sup> Waley 63.

<sup>16</sup> Waley 84-85.

<sup>17</sup> Waley 85-86.

<sup>18</sup> Waley 95.

<sup>19</sup> Kana writing was developed by the upper class women of the Heian period beginning around the year 900 AD. It provided them with a phonetic system of letters that allowed writers to record even the most subtle of emotional ideas and thoughts. On the other hand, Japanese men seemed to prefer Chinese writing and language as it was the language used in commerce and government and was a symbol of higher education. Japanese men came to view Kana writing as a woman's tool, and therefore felt it would be beneath them to use it. See R.H.P. Mason and J.G. Caiger, *A History of Japan*. (New York: Free Press, 1974) 81-83.

<sup>20</sup> Peter still has all of his father's books. It has been suggested that they had a deep influence on his interest in taxonomy.

<sup>21</sup> Willoquet-Maricondi and Alemany-Galway 309. See also Vernon Gras and Marguerite Gras, *Peter Greenaway Interviews*. (Mississippi: UP of Mississippi, Jackson, 2000) viii, xiii.

<sup>22</sup> Gras and Gras viii, xiii.

<sup>23</sup> See Stephen Nottingham, "The French New Wave," June 1998. [our-world.compuserve.com/homepages/Stephen\\_Nottingham/cintxt2.htm](http://our-world.compuserve.com/homepages/Stephen_Nottingham/cintxt2.htm)

<sup>24</sup> France, unlike England or America, had been occupied during the war and divided internally by those who opposed and those who supported Hitler. The aftermath that resulted inspired the philosophy of existentialism. It was a major influence on the New Wave as it "stressed the individual, the experience of free choice, the absence of any rational understanding of the universe and a sense of the absurdity in human life." Existentialists rejected preordained roles imposed by society and exhibited anti-authoritarian behavior, leading to their portrayal as negative personalities.

<sup>25</sup> Nottingham 1.

<sup>26</sup> Nottingham 2-3.

<sup>27</sup> Peter Greenaway, *The Pillow Book*. (Paris: Dis Voir, 1996) 5-7.

<sup>28</sup> David Pascoe, *Peter Greenaway Museums and Moving Images*. (London: Reaktion Books, 1997) 163. See also chapter 6, "The Book Depository," and Roland Barthe's *Le Plaisir du Texte* (The Pleasure of the Text), translated by Richard Miller (New York, 1975) 51.

<sup>29</sup> This comparison of Nagiko and Shonagon is mine and is based on my reading of both Waley's and Greenaway's versions of *The Pillow Book*. The sentiment is somewhat referenced in Greenaway's book on page 7, alphabetical section "I."

<sup>30</sup> Greenaway 12.

<sup>31</sup> Greenaway 77.

<sup>32</sup> See Christopher Hawthorne's web interview with Peter Greenaway. June 1997. [www.salon.com/june97/greenaway970606.html](http://www.salon.com/june97/greenaway970606.html)

<sup>33</sup> Hawthorne web interview, screen 3.

<sup>34</sup> Gras X-XII.

<sup>35</sup> Gras XI.

<sup>36</sup>Gras XII, 166-168. Also, in chapter 7, starting on page 215, of David Pascoe's *Peter Greenaway Museums and Moving Images*, are the following elucidating details about the *Stairs* project: "Each framing device in Geneva was built into a white-painted wooden staircase—which actually looks more like a pulpit; and the concept was that residents would be invited to look into the 'viewfinder' through which they would discover a 'set' and so be enabled to create their own internal or imaginary film, in association with Peter Greenaway. The stairs were a symbol of ceaseless motion, a link between two points, a means of travel, an analogy of success or failure, an image of life, a metaphor for ascent and descent, rise and fall, growth and aspiration; but above all, a significant pun in a project that as ever demanded very open-eyed visual awareness: the 'stare.' Furthermore, a stairway is a common, powerful and very practical device for spectacle and display. It is a motif used often enough in two thousand years of painting, and indeed in a hundred years of cinema, from Eisenstein's often pastiched Odessa Steps from *Potemkin* to the going-nowhere impressive scaffolding stairs of Fellini's *8 1/2*. Erected in public parks, in quiet alleys, or in the middle of a busy road, on bridges and in museums, the stairs were placed in positions of vantage, where those who mounted them could enjoy permanent, uninterrupted viewing; and because the viewer had the opportunity and freedom to place that chosen definitive frame in the 360° range, the view could exist in a context of fourteen hours of continuously changing daylight (the exhibition was held in the spring) and ten subsequent hours of artificial lighting, 'nominally static, but always subject to variations of movement and density by wind and weather, possible moonlight and the inevitable movement of people and vehicles.' Because of this arbitrary lighting, the putative film director could transform his location, creating a new ambience: 'the late-night stranger will tread on the edges of a trance, entering a circle of magic, mystery or a moment of terror.'"

<sup>37</sup>Paul Melial and Alan Woods, *Peter Greenaway: Artworks 63-98* (Manchester, UK: Cornerhouse, 1998) 7. See also Clement Greenberg's articles, "Avante-Garde and Kitsch," and "Towards a Newer Laocoon," in an anthology edited by Charles Harrison and Paul Wood, *Art in Theory 1900-1990 An Anthology of Changing Ideas*, 529-541 and 554-560.

<sup>38</sup>Melia and Woods 7-8.

<sup>39</sup>Harrison and Wood, "The Flatbed Picture Plane" by Leo Steinberg. 944-953.

<sup>40</sup> Melia and Woods 9-13.

<sup>41</sup> Melia and Woods 15-17.

<sup>42</sup> Willoquet-Maricondi and Alemany-Galway vii.

<sup>43</sup> Willoquet-Maricondi and Alemany-Galway ix-x.

<sup>44</sup> Willoquet-Maricondi and Alemany-Galway 256.

<sup>45</sup> Willoquet-Maricondi and Alemany-Galway 256.

<sup>46</sup> Willoquet-Maricondi and Alemany-Galway 261.

<sup>47</sup> Gras and Gras 261.

<sup>48</sup> Peter Greenaway, *The Pillow Book* 77.

<sup>49</sup> Willoquet-Maricondi and Alemany-Galway 261.

<sup>50</sup> Gras and Gras 261.

<sup>51</sup> Peter Greenaway, *The Pillow Book* 77.



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# **Crime in the Suites: An Analysis of Why Corporations Become Criminals**

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Corporate misconduct — euphemistically called “crime in the suites,” as opposed to “crime in the streets” — has been a frequent subject of newspaper headlines for much of the last 25 years. Between 1970 and 1995, more than 1,000 Fortune 500 corporations plead guilty to at least one violation of a major criminal law, including kickbacks and bribes, illegal political contributions, tax evasion, fraud, antitrust violations, and securities fraud.<sup>1</sup> In mid September, 2003, the FBI website bore the headline “Cracking Down on Corporate Fraud: New Indictments in the Enron Case.”<sup>2</sup> On November 4, 2003, the headline read, “Former HealthSouth CEO indicted in \$2.7 billion case of corporate fraud.”<sup>3</sup> On November 19, 2003, the U.S. Attorney for the Southern District of New York announced charges against 47 defendants involving misconduct in the foreign exchange market.<sup>4</sup> Today’s newspaper<sup>5</sup> contains the headline, “Invesco, CEO slapped with fraud charges.”<sup>6</sup> In 2003, the Securities Exchange Commission filed more than 165 cases charging corporations and their executives with antitrust, securities violations, and other serious crimes.<sup>7</sup>

Corporate crime is changing so quickly that it is often difficult to provide a firm or constant setting for its understanding. It is even

difficult to say whether corporate crime has actually increased, or whether the informational basis for detecting such crimes has simply reached a level of sophistication that permits us to see that which we were unable to see before. Regardless, it appears to be reaching epidemic proportions.<sup>8</sup>

In this context, this paper addresses the following four questions:

- *What is corporate crime?*
- *Why is it important to study and understand corporate crime?*
- *What theories of criminal behavior explain why corporations and their executives engage in illegal activities?*
- *What works to prevent and control corporate crime?*

## **A. What is corporate crime?**

### **1. Sutherland's early definition of white collar crime.**

The concept of corporate crime is not new. In the late 1940s, Edwin H. Sutherland presented the criminology community with a new term, “white collar crime,” which he defined as “crime committed by a person of respectability and high social status in the course of his occupation.”

Focusing serious attention for the first time on corporate crime, Sutherland argued that any definition of crime must take into account all offenses that are socially injurious or harmful; as a result, white collar crime was not appropriately dealt with by simple civil sanctions, as had been long held, but constituted serious criminal behavior, and repeat white-collar offenders should be labeled as habitual white-collar criminals. According to Sutherland, a restaurant that causes salmonella poisoning because it routinely violates health regulations is no less a criminal than an armed robber: both injure human life in the interest of profit.<sup>9</sup>

Sutherland further claimed that such corporate offenses could not be explained solely based on individual deviation, but that any

search for the causes of corporate crime must include an examination of the context within which such crimes occur — the organization.<sup>10</sup>

## 2. Occupational vs. corporate crime.

Although Sutherland originally used the term "white collar crime" to refer to the business managers and executives who typically perpetrated the criminal behavior, later studies divided white collar crimes into two separate types: occupational crimes and corporate crimes. These studies also point out that these definitions originated from a distinction based on the benefit. If an individual benefits from the offense, it is an occupational crime; if on the other hand an organization benefits, it is a corporate crime. This distinction, however, ignores the fact that both individuals and their organizations frequently reap simultaneous mutual advantage from criminal conduct of one, the other, or both.<sup>11</sup>

Occupational crimes are generally defined as "offenses committed by individuals *for themselves* in the course of their occupations, and the offenses of employees against their employers."<sup>12</sup> These types of crimes are typically committed by professionals, businessmen, and politicians, for example, and include crimes such as income tax evasion, forgery, welfare fraud, wire fraud, embezzlement, and check kiting.<sup>13</sup>

Corporate crimes, on the other hand, are organizational crimes that can occur only in the context of relationships among executives, corporate officers, managers, and corporate agents; or between parent corporations, corporate divisions, and subsidiaries. These crimes were initially defined as "offenses committed by corporate officials *for their corporation* and the offenses of the corporation itself."<sup>14</sup>

## 3. Conventional definition of corporate crime.

The conventional definition of corporate crime has evolved to



be generally understood as “misconduct by corporations that is punished by the state, regardless of whether it is punished under administrative, civil, or criminal law.”<sup>15</sup> Most corporate crimes contain two common elements: first, the intent to cheat someone; and second, the intent to deceive or conceal the truth.<sup>16</sup>

It must be remembered, however, that crimes cannot be carried out by a corporation itself. Rather, the organization is the tool used by one or more corporate officers, directors, or employees to obtain assets from the victims of their criminal conduct. Nevertheless, although it is an individual who perpetrates the criminal act, a distinctive feature of corporate crime is that the crime is committed for the benefit of an ongoing legitimate business enterprise. The individual who actually carries out the offense will likely benefit from his or her action, but the ongoing legitimate business enterprise must benefit also in order to remain a viable vehicle for commission of the crime. Thus, corporate crime is a specific type or form of white-collar crime and includes criminal conduct by corporations and by individual corporate employees, officials, or agent, but which is, at least initially, intended to benefit the corporation.<sup>17</sup>

The Federal Bureau of Investigation has further defined corporate crime, and compiled a fairly comprehensive list of what forms it takes:

White-collar crimes are categorized by deceit, concealment, or violation of trust and are not dependent on the application or threat of physical force or violence. Such acts are committed by individuals and organizations to obtain money, property, or services, to avoid the payment or loss of money or services, or to secure a personal or business advantage.<sup>18</sup>

From the overwhelming number and variety of White-Collar Crimes, the FBI has identified and classified the

most flagrant crime problems into twelve national priority crime problem areas, all of which ... are being vigorously investigated by the FBI:<sup>19</sup>

- Health Care Fraud
- Public Corruption
- Financial Institution Fraud
- Government Fraud
- Insurance Fraud (non-Health Care)
- Securities and Commodities Fraud
- Telemarketing Fraud
- Bankruptcy Fraud
- Environmental Crimes
- Money Laundering
- Intellectual Property Rights Violations
- Wire and Mail Fraud Schemes<sup>20</sup>

#### 4. Victims of corporate crime.

While it is the public at large who generally suffers the most from corporate crime, victims are frequently not individuals. The types of victims most often affected by corporate crime, listed in order of decreasing quantity and degree of harm, are:

- *Consumers*, regarding *products* (i.e., product safety or quality);
- *Consumers*, regarding *economic power* (i.e., credit violations, misrepresentation in advertising and sales, and similar violations);
- *The economic system*, when affected by unfair trade practices, antitrust violations, infractions of competitive rules and most financial violations except those related to consumer purchases;
- *The physical environmental* (air and water pollution and spills);
- *The labor force* (in violations involving the Occupational

Safety and Health Administration, the Equal Employment Opportunity Commission, the National Labor Relations Board, and so forth); and

- *The government* (in violations of administrative or court orders and in tax fraud cases.)<sup>21</sup>

## **B. Why study corporate crime?**

There are several reasons why it is important that we understand corporate crime:

1. Corporations and corporate activities permeate and affect our everyday lives, and ultimately impact society's moral and legal climate.
2. Corporations can themselves influence the laws designed to regulate their own activities.
3. Finally, the total costs to society of corporate wrongdoing are shocking, exceeding by far the costs of conventional street crimes.

### **1. Corporate activities affect our everyday lives.**

There is no doubt that great corporations have contributed enormously to the industrial and commercial development of the United States. Through research and technological advances, they have enriched the lives of millions of people and eased human suffering around the world. They have employed tens of millions of persons and have increased the wealth of the nation in immeasurable ways, including dividends paid to their millions of stockholders.

Unfortunately, too many corporations have also abused this power in their relations with their workers, stockholders, consumers, and the public at large. They have also abused the environment, defrauded the government, and exploited the developing nations of the Third World. They have even abused the democratic

process that gave them the opportunity to achieve this power.<sup>24</sup>

Corporate activities occupy a constant presence in and influence over our everyday lives. And when these activities go awry, the public can suffer drastic consequences, from the loss of a few dollars for consumer goods, to the loss of a lifetime's savings, to the loss of life.

## **2. Corporate activities affect the social moral and legal climate.**

More than two decades ago, the President's Commission on Law Enforcement and Administration of Justice reported that corporate crimes seriously affect the moral climate of American society. A *Fortune* editor once wrote, "How much crime in the streets is connected with the widespread judgment that the business economy itself is a gigantic rip-off?"<sup>23</sup>

Misconduct by corporations and their top executives, whom the public generally regard as community leaders, set examples that erode the moral basis of the law.<sup>24</sup> In addition, the significantly disparate treatment between street criminals and corporate criminals creates an inequality of justice that undermines respect for the law.<sup>25</sup>

## **3. Big business equals big political clout.**

Corporations have enormous ability to influence political processes for their own benefit. Former corporate executives often hold powerful cabinet and top agency positions in the executive branch of government. Wealthy corporations have enormous advantages in influencing political decision-makers, especially when they choose to conduct expensive lobbying activities.<sup>26</sup> Business groups comprised of large corporations and trade associations are frequently successful in derailing development of corporate sanctions.<sup>27</sup> And minor penalties for corporate crime are often a reflection of the influence that corporations carry in Washington.<sup>28</sup>

The result is that, as happened with Enron, corporations can

influence the very laws that the public counts on to regulate corporate behavior. A study of corporate crime would therefore not be complete without at least recognizing that the adequacy of the laws to be enforced may be affected by the very entities they are designed to regulate.

#### 4. The costs of corporate crime are extraordinary.

Finally, perhaps the most important reason to study and understand the causes of corporate crime is its extraordinary cost to society.

We live in an era where fear of crime drives much of what we do. The United States has the highest prison rate in the world, and federal, state and local governments and agencies spend billions of dollars each year to prevent and control crime. Yet estimates of annual losses from street crimes generally range from only \$5 to \$5 billion.<sup>29</sup> As late as 1998, the Joint Economic Committee of the U.S. Congress estimated the yearly losses from street crimes at \$4 billion.<sup>30</sup>

Losses from corporate crime, by comparison, are simply staggering. One of the most thorough attempts to calculate financial losses generated by corporate crimes was conducted in the mid 1990s by a U.S. Senate subcommittee, which put the cost of corporate crime between \$174 and \$231 billion a year.<sup>31</sup> More recently, the Senate Judiciary Subcommittee on Antitrust and Monopoly estimated the cost of corporate crime at more than \$200 billion a year — more than 50 times the cost of street crime.<sup>32</sup> On its website, the FBI's Denver office states that, in the states of Colorado and Wyoming alone, white-collar crimes "cost the citizens ... billions of dollars annually."<sup>33</sup>

More specific analyses indicate that even these figures may fall far short of reality:

- In 1984, the Department of Justice estimated the total annual loss to taxpayers simply from corporate violations of

federal regulations to be from \$10 to \$20 billion.<sup>34</sup>

- The savings and loan collapse cost taxpayers between \$150 and \$175 billion. And if the interest the government will have to pay on the increased debt that it accrued is included, the total cost will exceed \$500 billion.<sup>35</sup>

- Each year, medical fraud costs an estimated \$100 billion.<sup>36</sup>

- Annual losses from antitrust violations alone have been estimated to be as high as \$250 billion.<sup>37</sup>

This level of economic loss “far outstrips the cost of street crimes, of burglaries, petty drug deals, and robberies.”<sup>38</sup>

Further, the dollar costs of corporate misconduct do not necessarily include physical and social costs. More than 100,000 deaths are attributed annually to occupational diseases, most of which are a result of violations of health and safety laws.<sup>39</sup> According to the U.S. Consumer Product Safety Commission, more than 20 million serious injuries occur each year because of unsafe food and drugs and defective consumer products.<sup>40</sup> Compared to these estimates, the \$3 to \$5 billion lost annually because of robbery, burglary and assault represents but a minute portion of the economic cost of crime.<sup>41</sup>

Exact losses caused by corporate crime are impossible to ascertain. But by any measure of harm, corporate crime far exceeds ordinary street crime, and is much more of a threat to the public than conventional street crimes.<sup>42</sup> In light of the significant effects corporate activities have in our everyday lives, on the social moral climate, and on the public's pocketbook, it is clear that understanding what causes corporate crime and finding ways to deter that behavior can have enormous benefits for society and for the public.

### C. What Causes Corporate Crime?

Of the many theories that attempt to explain what causes crime, most appear to have little use in explaining corporate crime. Ultimately, the theory that provides the best explanation is rational choice and deterrence.

#### 1. Criminological theories that do not adequately explain corporate crime.

Social structure and process theories, such as social disorganization, differential association, peer pressure, and labeling/shaming, do not appear to be useful in explaining corporate crime. Generally used in association with segments of society marked by low income, high concentrations of minorities, poor job opportunities, and similar impediments that lead to increased criminal activities within a geographical area, social structure theories seem to have too little relationship to corporate crime to satisfactorily define causation. Similarly, although there is an argument that methods of committing corporate crime may be learned and encouraged within particular corporate environments, social process theories appear to be too unrelated to provide an adequate explanation for its occurrence.

Similarly, biological and individual trait theories do not effectively explain corporate crime. These theories are based on the premise that inherent factors outside of an individual's control, such as neurological deficiencies or psychological traits, will, in certain circumstances, make that individual more likely to commit a crime. There is some evidence that biological traits do influence the behavior of both those individuals who participate in corporate crime, and those who do not. Specifically, "the perceived thrill of the crime" was one significant factor that increased self-reported intentions to participate in corporate crime.<sup>43</sup> Also, "net of the various incentives and disincentives for corporate crime ... personal

moral code was found to be a very important source of inhibition. In fact, when moral inhibitions were high, considerations of the cost and benefit of corporate crime were virtually superfluous."<sup>44</sup>

While both a tendency toward thrill-seeking and personal levels of morality might be attributed to biological factors, however, this theory was rejected. It is improbable to assume that either thrill-seekers or persons of low morals gravitate to corporations, and biological theories therefore cannot adequately explain corporate crime.

Nor does Merton's theory of anomie provide a satisfactory explanation of corporate crime. Anomie is usually understood to occur at the end of the spectrum of structural social strain, where societal norms and values break down. To the extent that anomie has relevance to this analysis, it is in a fashion different from that understanding.

Anomie is defined as (1) social instability caused by erosion of standards and values; or (2) alienation and purposelessness experienced by a person or a class as a result of a lack of standards, values, or ideals.<sup>45</sup> While we normally think of anomie in the first sense, it is the second definition that is more useful in the context of corporate crime, particularly when the "lack of standards, values, or ideals" is caused by power and wealth. In other words, when the sky is the limit, there are no limits. "If 'success' is far more heavily emphasized in the higher strata of society, and if its measurement is virtually open-ended in these strata, then Merton's theory of anomie is even more applicable to white-collar crime than it is to conventional crime."<sup>46</sup>

Anomie may therefore play some part in the causation of corporate crime. It is clear, however, as will be discussed later, that control and prevention of corporate crime can be achieved through methods that do not directly address the circumstances which might lead to anomic conditions in the corporate environment. Thus, while it is acknowledged to have some contributory



influence, anomie cannot stand on its own as an adequate explanation for corporate crime.

Subsequent to Merton's theory of anomie, broader versions of strain theory developed around the premise that the inability to attain goals representing success — money, status, material goods and so forth — causes stress, and that certain individuals are more likely to respond to this stress through crime. General strain theory was the subject of at least one test that measured criminal behavior against financial performance. In summary, it hypothesized that companies experiencing a decrease in financial performance will cope with this strain through illegal behavior; that the greater the decline in financial performance, the greater the strain and the greater the frequency of illegal acts; and, finally, those companies performing poorly over time should be observed to violate the law more frequently than those companies performing profitably.<sup>47</sup>

Because the test examined only one particular aspect of corporate life — financial performance, its measurement, and its relationship to illegal behavior — the results were not entirely applicable, especially as to individual behavior.<sup>48</sup> Ultimately, the test was not conclusive as to a causal relationship between strain and criminal activity, and it was determined that the internal corporate environment required further study.<sup>49</sup> Based on this and lack of other supporting evidence, general strain theories do not provide adequate explanation of the cause of corporate crime.

## 2. Rational choice theory: An explanation of corporate crime.

Conventional rational choice theories of crime have their basis in early classical criminological theories. Simply stated, an individual chooses to commit a crime when he or she believes its benefits outweigh its costs. From the available evidence, including that of the efficacy of punishment, rational choice/deterrence theories appear to be the most useful in explaining the occurrence of corporate crime.

**a. Rational choice theory defined.**

Rational choice and deterrence theory assumes that individuals seeking to maximize their pleasure and minimize their pain choose to engage in crime based on a rational consideration of the costs and benefits associated with the crime.<sup>50</sup> A fundamental element of rational choice is the concept of deterrence through punishment, both specific, which reduces the criminal behavior of those people who are punished, and general, which deters criminal behavior among those persons who are not punished. An individual's awareness of the cost versus the benefits of a crime thus comes either from direct experience with punishment (or avoiding punishment), as well as by observing others who are punished (or escape punishment) for similar behavior.

What most distinguishes rational choice from other theories is its focus on situational factors that influence the decision to commit specific crimes. It is important to conduct crime-specific analyses: "a crime-specific focus is likely to involve rather finer distinctions than those commonly made in criminology."<sup>51</sup>

This distinction is especially important in the case of corporate crime. Whether or not rational choice provides an acceptable explanation of other types of crimes is unimportant in this analysis; the focus is solely on whether or not it adequately explains corporate crime. Based on all available evidence, including that punishment is the most significant tool to control and prevent corporate crime, rational choice theories provide the best explanation of this type of criminal behavior.

**b. General evidence in support of rational choice theory.**

Absent empirical data, one way to determine whether rational choice theory defines the causes of any crime is to ascertain whether available information answers the following questions:

(1) Do the benefits of committing the particular crime appear to outweigh the costs? and

(2) Is there is sufficient evidence to show that punishment deters the crime?

In the case of corporate crime, the answer to both questions is unequivocally yes, reinforcing the idea that corporate crimes are committed based on rational choice.

**(1) Cost/benefit analysis.**

Two factors weigh heavily on the benefit side of committing corporate crimes:

(i) Because the public has historically perceived corporate crime as less important than other types of crimes, there is both little shame in being labeled a “corporate criminal” and little risk of incurring serious punishment if caught; and

(ii) When punishment is handed out, it rarely is sufficient to overcome the benefits obtained by committing the crime in the first place.

**(i) Lack of public perception of criminality.**

One of the main difficulties in defining, perceiving, and successfully prosecuting corporate crime — and hence one of the “benefits” that tips the scales toward corporate criminality — is that perpetrators of corporate crime are rarely seen as criminals.

Sutherland was the first to admit that white collar crime flourishes “because the community is not organized solidly against the behavior.”<sup>52</sup> Historically, the public has perceived white-collar crime to be less serious than almost all other forms of illegal behavior. While this can be attributed partially to a lack of awareness about corporate crime, it also is a function of the “myth of the criminal type” — i.e., the public’s preconceived notions of who criminals are and what social station they occupy — as well as “the myth of the law-abiding citizen,” or the public’s belief that they are substantially different from persons who are criminals. Both myths are important in understanding white-collar crime because, by and

large, white-collar criminals come from the segment of the population that is perceived as being law-abiding.<sup>53</sup>

Finally, the public image of corporate crime is one of a “misdemeanor,” rather than of an activity that is antisocial, exploitative or socially damaging to large numbers of the ordinary population.<sup>54</sup>

### (ii) Lack of punishment equal to the crime.

Closely related to public perception is the second factor weighing heavily in favor of corporate criminality: the severity of punishment, if any, is rarely equal to the crime committed.<sup>55</sup> This takes a number of forms, including civil rather than criminal prosecution; complete failure to impose prison sentences on corporate executives, or, at worst, the imposition of only extremely reduced sentences; and the perpetrator’s retention of benefits enjoyed while committing the crime. For corporations themselves, punishment often takes the form of monetary fines, most of which are so insignificant that they are simply deemed a normal cost of doing business.

First, in what even Sutherland called a “radical departure” from the historical development of criminal law, prosecutors of corporate crime are frequently allowed to seek civil injunctions to enforce laws carrying criminal sanctions.<sup>56</sup>

Second, when criminal remedies are undertaken, courts typically have difficulty perceiving corporate criminals for what they are. Individual offenders are generally well-to-do, white, well-dressed, and articulate community leaders whose social status and background are similar to the judge’s. One reporter described executives of several major electrical corporations accused of price-fixing as “middle-class men in Ivy League suits, typical businessmen in appearance, men who would never be taken for law-breakers.”<sup>57</sup> Judges hesitate to impose prison sentences on such offenders, as they do not fit the stereotype of the normal criminal.

Thus, corporate executives, even when they are likely responsible for corporate violations of law, are rarely held personally accountable for the corporate actions they direct. In fact, a study of more than 1,500 actions taken against Fortune 500 corporations over a two-year period revealed that a court punished a corporate executive in only 1.5 percent of the total actions.<sup>58</sup>

In the rare case of conviction, executives seldom receive prison sentences. When they do, sentences are not only far less than the maximum the law usually provides, but are frequently for only a few days or months.<sup>59</sup>

Finally, executives who do receive legal sanctions rarely lose the benefits enjoyed as an employee of the organization. A majority of convicted corporate executives remain with their companies in some capacity; few are dismissed. One executive who pleaded guilty to criminal charges remained as the company's \$1 million-a-year chairman. Another continued to collect his paycheck, including bonuses, of \$325,000 while he was serving a one-year prison sentence following conviction on 11 criminal counts of securities law violations. And regardless of the outcome, most corporate executives retain their retirement benefits.<sup>60</sup>

When it comes to corporate offenders themselves, punishments are usually meted out in the form of fines (because, of course, the corporation cannot be sent to jail). Fines are generally extremely small when measured in terms of the often billions of dollars in corporate assets and sales. Rarely do fines even come close to equaling the profits made in the illegal transaction; in fact, some corporations merely look upon them as a normal cost of doing business.<sup>61</sup> Even so, fines are frequently so inadequate as to be ludicrous:

- From 1977 to 1983, Beech-Nut Corporation sold sugared water as "100 percent fruit juice." After netting as much as \$60 million from consumers, Beech-Nut pleaded guilty to federal charges. It paid a \$2 million fine.<sup>62</sup>

- In 1974, a San Francisco judge ordered a group of convicted price-fixers to deliver 12 speeches each as a substitute for serving time in prison. A longtime head of the criminal division of the Department of Justice subsequently pointed out that “a ghetto kid who steals a car [gets] put away, but a businessman who steals \$6 million gets to work in a soup kitchen on weekends.”<sup>63</sup>

- In 1985, the Eli Lilly drug company pleaded guilty to misdemeanor charges that, by failing to notify the U.S. Government of deaths and injuries among users of Oraflex, an arthritis drug, it contributed to 49 deaths and 916 non-fatal injuries. Lilly was fined \$25,000; a former executive who pleaded no contest to the charges was fined \$15,000.<sup>64</sup>

- Similarly, in 1986, SmithKline Beckman Corporation pleaded guilty, and three SmithKline executives pleaded no contest, to *misdemeanor* charges involving its failure to notify the government that its high blood pressure drug, Selacryn, had been linked to 36 deaths and more than 500 cases of liver and kidney damage.<sup>65</sup>

- In 1985, the Bank of Boston and Crocker National Bank admitted to laundering \$1.5 billion and \$3.9 billion, respectively. The Bank of Boston was fined \$500,000, and Crocker National \$2.25 million — less than the 10 percent commission they received from the money-laundering operations.<sup>66</sup>

### (iii) “This crime pays.”

Overall, these “benefits” are not to be taken lightly. “Explanations of white-collar crime often emphasize ... [lack of appropriate punishment] and the consequent calculation by employers that ‘this crime pays.’”<sup>67</sup> Taken together, with little weight on the “cost” side of the scales, the benefits to be gained provide a powerful incentive to commit corporate crime.

## (2) Punishment as an effective deterrent.

There is also, however, strong evidence that punishment is a powerful deterrent to corporate crime, both as to prior and especially as to potential future offenders.<sup>68</sup>

Corporate executives fear imprisonment even more than they fear criminal conviction. In a discussion of defense procurement overcharges, Senator William Proxmire (D-Wis.) stated:

[T]here is nothing that would help our defense procurement system more than a successful prosecution of one of the giant defense firms. It would only take a jail term for one or two chairmen of the board and I guarantee that many of these overcharging abuses would come to a stop.<sup>69</sup>

Managers convicted of conspiracy in an electrical industry price-fixing scandal and sentenced to incarceration refused to permit their families to visit them in prison because of their shame, guilt and injured pride. One convicted executive confirmed the effectiveness of his own punishment:

The stigma of conviction had a strong impact on me and it has not died away with the termination of my sentence and probation... The consequences of the publicity on me and my family in our social business relationships was beyond anything I had expected. I'm determined never to be exposed to such a risk again through any of my own actions.<sup>70</sup>

A federal judge, reflecting on the deterrent effects of imprisonment, stated, "My experience at the bar was that one jail sentence was worth 100 consent decrees..."<sup>71</sup> Prosecutors in the Justice Department echoed this opinion, noting the increased significance of corporate crime and that corporate offenders were more easily deterred than street offenders. And one prosecutor summed it up nicely:

There's only one advantage to corporate prosecution — in terms of its deterrence value, one prosecution is worth 500. I've prosecuted maybe 50 murderers, and I've never deterred a street murderer. I've probably prosecuted one industrial murderer, and I think we've deterred a whole lot of people — at least woke them up — so some people are trying to do the right thing. So even with a lack of resources, one corporate prosecution is much more valuable than one street crime prosecution.<sup>72</sup>

**c. Research supporting rational choice theory.**

Although there is little empirical data in the area of white collar or corporate criminality, one study conducted in 1996 by Raymond Paternoster and Sally Simpson<sup>73</sup> clearly supports rational choice as the cause of corporate crime.

As explanation for their hypothesis, the authors explained:

It has long been thought that a deterrence/rational choice theory would be especially useful in understanding corporate crime, because both corporate crime and corporate offenders were thought to be particularly amenable to sanction threats. In 1967, Chambliss argued that corporate managers would be sensitive to formal punishment threats because they were not highly committed to a criminal lifestyle and the calculated nature of [criminal behavior].<sup>74</sup>

The Paternoster/Simpson study is based on two assumptions: first, that decisions to offend are made after balancing the costs against the benefits of offending; and second, that it is the decision maker's perceived expectations of reward and cost that tip the scales one way or the other. An important implication of the



second assumption is that the critical agent in this theory of corporate crime is the individual:

[W]e hold that the decision to break the law is made by individuals... This means that the decisions of would-be corporate offenders are influenced by (1) the risks and benefits they perceive for themselves, (2) the risks and benefits they perceive for their firm or company, and (3) the presence or absence of offending inducements or restrictions within the specific context of the organization.<sup>75</sup>

The results of the study were interesting. First was the discovery that, independent of considerations of cost and benefit, an individual's strong moral beliefs acted to restrain impermissible conduct.

More specifically, we expect that considerations of cost and benefit do not affect those acts already strongly inhibited by notions of morality. Our reasoning is that persons' moral sentiments expressly set some behaviors off limits, in the sense that they are taboo. These taboos are observed out of a sense of moral duty and are not, therefore, subject to calculations of utility.<sup>76</sup>

The authors then went on to explain what motivated individuals who lack such strong moral beliefs to engage in corporate crime. The evidence was compelling that the perceived benefits of corporate crime, either intrinsic or extrinsic, were successful incentives. Respondents were more likely to commit an illegal act if the act had direct financial benefits for the company or if it enhanced a sense of organizational pride or esteem. In addition, decisions to commit corporate crime were significantly influenced by its perceived benefits for the individual. Intentions to commit corporate crime were higher when the act was thought to result in personal

career advancement and was perceived to be pleasurable in and of itself.<sup>77</sup>

On the other hand, when moral inhibitions were insufficient to discourage criminal activity, individuals were deterred by threats of formal and informal sanctions, whether against the individual or the organization. The perceived costs of punishment directed against the individual, whether formal, informal, or based on self-imposed shame, effectively deterred corporate crime. Respondents were also significantly less likely to express an intention to commit corporate crime if they believed that the firm would be at risk for civil, criminal, or regulatory penalties.<sup>78</sup> Thus, “formal sanction threats do operate as an effective deterrent to the forms of corporate crime studied here.”<sup>79</sup>

In summarizing the results of the study, the authors ranked the following factors as functions affecting the intention to commit corporate crime:

- Perceived benefits of the action for oneself
- Perceived formal sanctions directed against oneself
- Perceived informal sanctions directed against oneself
- Feelings of shame or self-imposed punishment
- Moral inhibitions against committing the act
- Perceived benefits of the action for the firm
- Perceived formal sanctions directed against the firm
- Perceived informal sanctions directed against the firm
- Perceived loss of prestige for the firm
- The organizational context of the firm
- Characteristics of the firm<sup>80</sup>

These results confirm many of the hypotheses about the rational choice model, in that decisions whether to commit corporate crime are significantly affected by the perceived benefits versus the perceived costs of the act.<sup>81</sup>

Similar conclusions are supported by other studies. A survey regarding employment of illegal workers showed that employer

violations are widespread, “and that the continued hiring of undocumented workers is a direct consequence of the high benefits that employers derive from this source of cheap labor, coupled with the low risks associated with this ... crime.”<sup>83</sup> The author concluded that the survey illustrated

...the power of the balance sheet in the business world: even at the cost of death to consumers or workers, the white-collar criminal follows the course dictated by an analysis of costs and benefits. The impressive body of literature accumulated since Sutherland’s pathbreaking work leaves little doubt that white-collar crime is the product of economic calculations concerning risks and potential penalties, that by and large these crimes ‘pay,’ and that their prevalence is integrally linked to their profitability.<sup>83</sup>

Taken together, this evidence is strongly supportive of a traditional rational choice-based model of corporate crime under which criminal conduct can be attributed to an individual’s assessment of the costs versus the benefits of his or her actions.

#### **D. Conclusion: What works to prevent and control corporate crime?**

With any crime, one purpose of research is to identify methods that will actually work to prevent and control the undesirable activities. Some scholars, looking beyond traditional methods, have suggested creative approaches to prevent and control corporate crime. One is the compulsory use of publicity as a sanction in corporate crime cases, requiring a corporation to buy media coverage to advertise its own guilt. This idea shows some promise: “A 1975 Opinion Research Corporation survey of 531 top and middle man-

agers found that 92 percent of the respondents believed that ... adverse publicity about corporations who engage in the bribery might be effective.”<sup>84</sup> A second is the imposition of “corporate probation,” a concept that is relatively untested in corporate law, but which, in light of the increased attention to corporate crime, may soon have its day.<sup>85</sup>

Creativity notwithstanding, two methods have been found to be particularly effective at keeping corporate crime in check. Considering the potential economic and social costs of corporate crime, both are relatively simple and surprisingly inexpensive, making them particularly cost-effective.

First and foremost, there is ample evidence that the mere fact of strong governmental enforcement efforts against both individuals and corporations themselves acts as a strong deterrent in and of itself:

[W]e have found that enforcement efforts directed at the business organization itself act as a powerful deterrent for those who make decisions within the organization. Second, we have found that enforcement efforts targeted directly at the individual decision maker also serve as an effective deterrent to corporate crime.<sup>86</sup>

Thus, stronger and more effective enforcement of government regulations is one of the best ways to prevent and control corporate crime.<sup>87</sup>

As an adjunct to enforcement, however, both corporate and individual offenders must be subjected to the same dictates that the community imposes in cases of common street crime. In the context of rational decision making and corporate crime, this means imposing penalties, both in the form of monetary fines and prison sentences, that are, at a minimum, sufficient to zero the benefits received from committing the crime, thus balancing the cost/benefit scale.<sup>88</sup>

Regardless of whether theories of rational choice and deterrence work to explain other kinds of crimes, evidence indicates that they do indeed explain corporate crimes. Those committing these kinds of crimes do so because they perceive the benefits to far outweigh the potential costs; they are deterred relatively easily if they perceive, either through their own experience or by observing others', that apprehension and severe punishment is likely.

It is clear that the ability to prevent and control corporate crime would have significant far-reaching benefits, from individual consumers and government to the environment and society as a whole. It is also clear that the efforts required to do so are not extraordinary. There is overwhelming evidence and almost universal agreement that two simple and relatively inexpensive methods are highly effective in achieving dramatic decreases in occurrences of corporate crimes: consistent government enforcement, and effective punishments of both individuals and their organizations. In short, raising the stakes for corporate criminals will prevent corporate crime.

## Endnotes

<sup>1</sup> Ronald R. Sims and Margaret P. Spencer, *Corporate Misconduct: The Legal, Societal, and Management Issues* (Westport:Quorum, 1995), 1.

<sup>2</sup> FBI Headline Archives, "Cracking Down on Corporate Fraud: New Indictments in Enron Case" (Available: [www.fbi.gov/page2/sept03/enron091703.htm](http://www.fbi.gov/page2/sept03/enron091703.htm), December 1, 2003).

<sup>3</sup> FBI Headline Archives, "Crime in the Suites: Former HealthSouth CEO indicted in \$2.7 billion case of corporate fraud" (Available: [www.fbi.gov/page2/nov03/health110403.htm](http://www.fbi.gov/page2/nov03/health110403.htm), December 1, 2003).

<sup>4</sup> Department of Justice, "U.S. Charges 47 After Long-Term Undercover Investigation Involving Foreign Exchange Markets" (Available: [www.fbi.gov/dojpressrel/pressrel03/wooden111903.htm](http://www.fbi.gov/dojpressrel/pressrel03/wooden111903.htm), December 1, 2003).

<sup>5</sup>December 3, 2003, the day this paper was first presented.

<sup>6</sup>*Anchorage Daily News*, December 3, 2003, Sec. F, p. 1.

<sup>7</sup>U.S. Securities and Exchange Commission, "Recent Press Releases" (Available: [www.sec.gov/news/press.shtml](http://www.sec.gov/news/press.shtml), December 1, 2003).

<sup>8</sup>Ellen S. Podgor, "Corporate and White Collar Crime: Simplifying the Ambiguous" (American Criminal Law Review 31.3, 1994), 391.

<sup>9</sup>Mark M. Lanier and Stuart Henry, *Essential Criminology* (Boulder: Westview Press, 1998); Dick Hobbs, "Professional Crime: Change, Continuity and the Enduring Myth of the Underworld" (Sociology 31.1, 1997); Raymond Paternoster and Sally Simpson, "Sanction Threats and Appeals to Morality: Testing a Rational Choice Model of Corporate Crime" (Law & Society Review 30.3, 1996); Gilbert Geis, *White-Collar Criminal: The Offender in Business and the Professions* (New York: Atherton, 1968); Podgor; Sims and Spencer.

<sup>10</sup>Annie Geraghty, "Corporate Criminal Liability" (American Criminal Law Review 39.2, 2002), 327. In another early analysis of white-collar crime, criminologist Donald Newman (1958) expanded upon some of Sutherland's ideas about white-collar crime. He argued that, whether criminologists like it or not, they must come to terms with issues of power and privilege when they study white-collar crime, including examining the role of power and wealth in shaping the law. Tony G. Poveda, *Rethinking White-Collar Crime* (Ed. Steven A. Egger, Westport: Praeger Publishers, 1994), 3.

<sup>11</sup>Sims and Spencer, 25.

<sup>12</sup>Sims and Spencer, 24 (emphasis added).

<sup>13</sup>U.S. Department of Justice, "The Measurement of White-Collar Crime Using Uniform Crime Reporting (UCR) Data 1997-1999" (2000).

<sup>14</sup>Sims and Spencer, 24 (emphasis added).

<sup>15</sup>Sims and Spencer, 23.

<sup>16</sup>Sims and Spencer, 24.

<sup>17</sup> Sims and Spencer, 24-25.

<sup>18</sup> Federal Bureau of Investigation, Facts and Figures 2003 – White Collar Crime (Available: [www.fbi.gov/libref/factsfigure/wcc.htm](http://www.fbi.gov/libref/factsfigure/wcc.htm), November 27 2003).

<sup>19</sup> It is interesting and important to note that these crimes *do not include* the white-collar crimes reported in the Uniform Crime Reporting (UCR) Data: i.e., fraud, bribery, counterfeiting/forgery, embezzlement, and bad checks. While some of the crimes listed by the FBI qualify as either occupational or corporate, depending on the perpetrator, virtually all of the crimes listed in the UCR are occupational, and they are excluded from the facts and figures in this paper as much as possible.

<sup>20</sup> FBI Denver Division, White-Collar Crime (Available: [denver.fbi.gov/white.htm](http://denver.fbi.gov/white.htm), December 1, 2003). Also, this list is not all inclusive. Recent trends show an increase in criminal identity theft (occupational) and predatory lending (corporate), neither of which have yet been included.

<sup>21</sup> Sims and Spencer, 27.

<sup>22</sup> Marshall B. Clinard, *Corporate Corruption: The Abuse of Power* (New York: Praeger Publishers, 1990), 1.

<sup>23</sup> Clinard, 17.

<sup>24</sup> One needn't look far to find examples that tend to support this assumption. In late November, 2003, a few days before this paper was initially presented, the *Anchorage Daily News* carried a story detailing how prevalent cheating has become in high schools.

<sup>25</sup> Clinard, 175.

<sup>26</sup> Clinard, 6.

<sup>27</sup> William S. Lofquist, "Legislating Organizational Probation: State Capacity, Business Power, and Corporate Crime Control" (*Law & Society Review* 27.4), 766.

<sup>28</sup> Clinard, 169.

<sup>29</sup> Clinard, 15; Sims and Spencer, 2.

<sup>30</sup> William J. Chambliss, *Power, Politics and Crime* (Boulder: Westview Press, 1999), 152.

<sup>31</sup> Sims and Spencer, 2.

<sup>32</sup> Chambliss, 152.

<sup>33</sup> FBI Denver Division, *White-Collar Crime* (Available: [denver.fbi.gov/white.htm](http://denver.fbi.gov/white.htm), December 1, 2003).

<sup>34</sup> Sims and Spencer, 2.

<sup>35</sup> Chambliss, 152.

<sup>36</sup> Joseph Miranda, "War or Pseudo-War?" (*Social Justice* 25.2, 1998), 1; Chambliss, 154.

<sup>37</sup> Miranda, 1.

<sup>38</sup> Chambliss, 153.

<sup>39</sup> Chambliss, 152; Sims and Spencer, 2.

<sup>40</sup> Sims and Spencer, 2.

<sup>41</sup> Sims and Spencer, 2.

<sup>42</sup> Chambliss, 155; Geis, 38.

<sup>43</sup> Paternoster and Simpson, 560.

<sup>44</sup> Paternoster and Simpson, 549.

<sup>45</sup> Merriam-Webster Online Dictionary (Available: [www.m-w.com](http://www.m-w.com), December 1, 2003).

<sup>46</sup> Lanier and Henry, 211.

<sup>47</sup> Carl Keane, Carl, "The Impact of Financial Performance on Frequency of Corporate Crime: A Latent Variable Test of Strain Theory" (*Canadian Journal of Criminology* 35.3, 1993), 293-308.



<sup>48</sup> Keane, 293-308.

<sup>49</sup> Keane, 293-308.

<sup>50</sup> Francis T. Cullen and Robert Agnew, *Criminological Theory Past to Present* (Los Angeles: Roxbury Publishing Company, 2003), 263.

<sup>51</sup> Cullen and Agnew, 263.

<sup>52</sup> Colin Goff and Nancy Nason-Clark, "The Seriousness of Crime in Fredericton, New Brunswick: Perceptions Toward White-Collar Crime" (*Canadian Journal of Criminology* 31.1, 1989), 20.

<sup>53</sup> Poveda, 4.

<sup>54</sup> Goff and Nason-Clark; Poveda.

<sup>55</sup> Clinard, 169; Chambliss, 155.

<sup>56</sup> Russell Mokhiber, "Criminals by Any Other Name" (*Washington Monthly*, January 1986), 40.

<sup>57</sup> Clinard, 175-6.

<sup>58</sup> Clinard, 172.

<sup>59</sup> Clinard, 173.

<sup>60</sup> Clinard, 176-7.

<sup>61</sup> Clinard, 169.

<sup>62</sup> Clinard, 12.

<sup>63</sup> Clinard, 175.

<sup>64</sup> Mokhiber, 40.

<sup>65</sup> Mokhiber, 40.

<sup>66</sup> Chambliss, 153.

<sup>67</sup> Kitty Calavita, "Employer Sanctions Violations: Toward a Dialectical Model of White-Collar Crime" (Law & Society Review 24.4, 1990), 1064.

<sup>68</sup> Calavita, 1044 (citing Hawkins, 1984; Levi, 1984; Snider, 1987, 1990; Watkins, 1977); Clinard; Sims and Spencer; Paternoster and Simpson.

<sup>69</sup> Clinard, 173.

<sup>70</sup> Clinard, 170.

<sup>71</sup> Clinard, 173.

<sup>72</sup> Sims and Spencer, 38.

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<sup>74</sup> Paternoster and Simpson, 550.

<sup>75</sup> Paternoster and Simpson, 553.

<sup>76</sup> Paternoster and Simpson, 554.

<sup>77</sup> Paternoster and Simpson, 568-574.

<sup>78</sup> Paternoster and Simpson, 549-574.

<sup>79</sup> Paternoster and Simpson, 572.

<sup>80</sup> Paternoster and Simpson, 556.

<sup>81</sup> Paternoster and Simpson, 568, 574.

<sup>82</sup> Calavita, 1041-4.

<sup>83</sup> Calavita, 1041-4.

<sup>84</sup> Clinard, 179.

<sup>85</sup> Lofquist, 741-783; Stephanie A. Cutter, “Organizational Sentencing” (American Criminal Law Review 32.2, 1995), 731-42.

<sup>86</sup> Paternoster and Simpson, 549.

<sup>87</sup> Clinard, 161; Sims and Spencer, 28; Calavita, 1044.

<sup>88</sup> Clinard, 167; Calavita, 1044; Lawrence Friedman, “In Defense of Corporate Criminal Liability” (Harvard Journal of Law & Public Policy 23.3, 2000), 833.



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# Batti, Batti from Don Giovanni

By W.A. Mozart

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Music 362: Private Voice Lessons  
Dr. Mari Hahn, Assistant Professor

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*Batti, batti* is the character Zerlina's successful attempt at winning back her fiancé, Masetto. In a previous scene of the opera, Zerlina, Masetto, and the other villagers are enjoying a pre-wedding celebration when Don Giovanni and his sidekick, Leporello enter. The Don immediately decides that Zerlina is going to be the next woman he seduces. Leporello and the Don smooth talk Masetto so that they can separate him from his fiancé. Once Giovanni gets Zerlina alone, he tries to seduce her, promising that he will marry her and give her a beautiful life. Zerlina is very tempted as she is a peasant girl and the Don is a Lord. After a lovely duet with the Don she decides to give in. Before Zerlina and Giovanni can go off, however, Donna Elvira, who has been following Giovanni throughout the opera, hysterically tells Zerlina that the Don will not keep his promises, and that she should get away from him immediately. She then whisks the confused Zerlina away from the Don. Zerlina comes to her senses and goes back to Masetto, who suspects Zerlina of infidelity. Trying to get Masetto to forgive her so that they can get married, she employs her charms. She tells him to beat her and vent his anger, but after all of that, they must make peace so that they can spend the rest of their lives in desire and joy.

Upon first hearing, *Batti batti* sounds like it would be simple to sing well, due to its graceful, memorable melody, but it was that very

quality of the music that was the hardest for me to achieve in my voice. To acquire this quality and give a sufficient performance, I had to break down, work, and focus on specific aspects during the process, such as negotiating the vocal registers, strengthening my middle voice, character and musical interpretation, music analyzation, and Italian pronunciation. Thankfully, my voice teacher, Dr. Mari Hahn, helped me with all of these areas and guided me along the way.

The aria itself interests me musically because the words, story, and the character and her intent are so incredibly well expressed in every aspect of the music. For example, in the beginning of the aria, Zerlina's line is like a gavotte (a playful dance rhythm). Her words, "beat me, beat me" are not literal, she does not actually expect him to do so. Thus, this playful coquettish behavior is demonstrated in the rhythm and melody. Yet underneath that line is a legato line consisting of sixteenth notes (usually a cello solo.) This cello line softens the vocal rhythm above it, and suggested to me that Zerlina is not just a playful coquette, but that she really does love Masetto and has strengthened devotion to him. This, along with many other musical/textural collaborations, showed me that this was a very well written aria. There seem to be no accidents, everything about the music, text, and character, make sense. I suspect that it is this depth that makes arias by Mozart so difficult to sing well, but so delightful and worth the effort that no singer in their right mind would ever give up trying.



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# Sex, Lies and Authorship: Metafiction in the *Muse Asylum* and *Atonement*

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English 424: Contemporary Literature  
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After reading *The Muse Asylum* by David Czuchlewski and *Atonement* by Ian McEwan the reader is left with the following questions: “What really happened?” and “Who can we trust?” But the realization soon hits the reader: “We know these books are fictional works, why are we so concerned with truth and reality?” This dilemma and these questions arise because the authors, Czuchlewski and McEwan, use metafictional techniques and devices throughout their novels. Patricia Waugh describes metafiction as narrative that “self consciously and systematically draws attention to its status as an artifact in order to pose questions about the relationship between fiction and reality” (Linton). Thus, the reader is **supposed** to have these questions about reality versus fiction. This theme and use of metafiction in the above named novels is achieved in the following ways: first, by use of intruding commentary on writing and the act of writing; second, by making reference to “real” texts within the fictional narrative; third, through the characters’ calling of attention to “fiction” through action and thought; and finally, metafiction is powerfully created because of the ways Czuchlewski and McEwan have each chose to conclude their novels.

Both *The Muse Asylum* and *Atonement* specifically address the act of storytelling and the act of writing fiction. In *The Muse Asylum*, in an interview with Jake Burnett, Horace Jacob Little states about the act of writing, "I listen for my muse, and I can only hear her in silence. Writing is an intensely private process." (135) Little also says in the same interview, "If you can get the details right, down to the boot buckle, then the world you create can have something to say about the world we inhabit" (136-7). This statement directly refers to the relationship between the reality and representation of reality. By including these words in the novel, Czuchlewski is employing the use of metafiction. When presented with the concept of "creating fiction," the reader has an opportunity to consider the actual book he/she is reading (which in this case is *The Muse Asylum*) and its status as a form of writing and a work of fiction.

Later in the same interview, as Little's patience dwindles, he says in response to Jake's question about what he is currently working on, "The novel's about a reporter who tracks down a reclusive author, mercilessly exposes him to the public and...well, I haven't gotten to the conclusion yet. I call it *The Shadow Knows*." (138) Here, Little uses the creation of a fiction to make a **real** threat towards Jake. Little parallels the reality of the situation (that Jake has found Little and has the power to expose him) with a created fiction in which Jake has chose to expose him. It is implied that if Jake makes this fiction a reality, there will also be real consequences. It is interesting that Little gives this one sentence narrative a title. By naming the short narrative, Little transfers all authorship of the situation to himself and assumes control of the outcome. This too has larger implications that exceed the narrative frame. In recognizing the control which Little claims, the reader also realizes the ability of Czuchlewski to create and manipulate the very story we are reading.

*Atonement* is also full of references to the act of writing. Briony,

the most prominent character in the novel is also a writer. In the first chapter we learn that 15-year-old Briony wrote her first story at age eleven in which, “Even writing out the *she said*s, the *and then*s, made her wince and she felt foolish, appearing to know about the emotions of an imaginary being” (6). This is both meta-fictional and ironic. This statement is an acknowledgement that there is a gap between the real thing and the representation of the thing; Briony’s sense of foolishness is a result and realization of this gap.

The irony comes into play when the narrator says, “six decades later she [Briony] would describe how at the age of thirteen she had written her way through a whole history of literature [...] Her fictions was [now] known for its amorality, and like all authors pressed by a repeated question, she felt obliged to produce a story line, a plot of her development that contained the moment when she became recognizably herself” (58-9). It is obvious Briony has moved past her feelings of foolishness to become a well-known author. This quote is metafictional because it completely breaks the frame. The narrator jumps from a 15-year-old perspective to a much older viewpoint. Not only is it out of place within this certain narrative, but it contains a quite long discourse on writing and the critique of writing.

Throughout the novel, as Briony perceives the real world, she constantly compares it to the metafictional world she is used to. In doing so, many of her discourses on reality become discourses on fiction. For example, as Briony’s suspicions about Robbie increase she says, “of course villains were not announced with hisses or soliloquies, they did not come cloaked in black, with ugly expressions” (148). Though Briony believes she is shedding herself of the make-believe world, it is clear from this wording that she is actually confusing the fictional world with reality. It is apparent to the reader that Briony is talking more about the creation of fiction rather than the reality of the situation.



In both novels there is much referencing and mentioning of other “real” texts. In *The Muse Asylum* there is an effective juxtaposition of fictional texts and “real” texts. For example, throughout the novel we are referred to Horace Jacob Little’s writings, such as *Strange Meeting* and *The Length of New Jersey*. Competent readers are well aware of the use of allusion in text. Even though the reader knows Little himself is a fictional character and therefore his works are fictional, we still feel the desire to pick up on the allusions, to make the connections. The confusion is taken a step further because all of these references to fictional works are mixed up with texts we already know to exist in reality. For example, when Jake is interviewing Horace Jacob Little, he makes reference to Charles Dickens’ *Bleak House*. (137) The line between fiction and reality is blurred even further when Professor Mullin compares a fictional work to real work: “*Strange Meeting* is Horace Jacob Little’s attempt to re-imagine Dante’s *Inferno* as a contemporary American landscape” (61). When the reader can grasp the allusions to the real texts but obviously cannot make the connections to the imaginary text; the reader is forced out of the narrative to remember that *The Muse Asylum* is also only a work of fiction.

In *Atonement* we also see the use of allusion to real texts. Cecilia is spending the vacation reading *Clarissa*. Robbie mentions his copies of Auden’s *Poems* and Houseman’s *A Shropshire Lad* (77). By proposing that fictional characters are reading actual texts, the line between imaginary characters/fiction and actual texts/reality is simultaneously blurred and apparent.

In both *The Muse Asylum* and *Atonement*, the characters’ actions and thoughts create metafiction in many different forms. In *The Muse Asylum*, an incident occurs during Professor Mullin’s class in which a man interrupts the lecture to claim that the government is chasing him, he has seen aliens, and he is also Horace Jacob Little. After the man has been taken away by security, Professor Mullin says to his class:

The amazing thing is that no one can prove that was not Horace Jacob Little. Maybe that was some wacko. Maybe it was the author himself, acting crazy for reasons known only to him. Or maybe it was an actor I hired to illustrate a point about anonymity and its consequences. In the end, we'll never know. (14)

Not only is the professor raising the questions about anonymity, but he is also raising questions about reality. It is the questioning of reality the Andrew become obsessed with. As the novel progresses Andrew becomes more and more mentally ill as he obsessively searches for the Horace Jacob Little. This theorizing is metafictional because it calls into question the relationship between the writer/creator and work/creation. Here, not only are we presented with the fictional work of an imaginary author, but the author's existence is also questioned. The reader cannot escape the issue of reality versus fiction within this novel.

In the end, after Andrew has committed suicide, Jake uncovers some shocking information while talking to Dr. Saunders. Jake finds out that the Horace Jacob Little that he supposes to be the real Little is actually Gabriel Callahan, a former patient at the Muse Asylum. Suddenly, Jake's whole reality of the situation is turned upside down; perhaps Andrew was right; perhaps Callahan killed Little and assumed his authorship. Even Andrew's suicide is now called into question by Jake. The fiction of Andrew's insanity now has become Jake's new reality. Ironically, Jake's discovery of a new reality causes Dr. Saunders to question Jake's mental stability. Jake says, "I could see that his [Dr. Saunder's] mind was already at work, perhaps formulating a journal article about the friend of a deceased mental patient who deals with the grief by adopting and furthering the obsessions of the deceased" (218). Jake has discovered the truth, yet he acknowledges that Dr. Saunders could put forth another truth which would invalidate his truth. This presents

the very metafictional idea that no singular truth exists and what we believe to be true is unstable and changing.

In the beginning of *Atonement*, the fictional world and the reality already start to intermingle as Briony, the thirteen-year-old playwright in the making, begins writing a play call *The Trials of Arabella* for her brother's homecoming. This is not just a make-believe story meant to entertain, it is also a story Briony has written for her brother Leon in hopes it will "guide him away from his careless succession of girlfriends, toward the right form of wife" (4). Once again, the reader realizes that for Briony, the fictional world and real life are very confused; and it is this confusion around which the whole book revolves. It also points to the fact that an author can have motives that are unbeknownst to the reader.

As the production of her play disintegrates, Briony witnesses the incident between Robbie and Cecilia at the fountain from the nursery window. She thinks that in this situation Robbie is displaying some strange sexual power over Cecilia. The reader has already received in the previous chapter what actually happened between the two, but here Briony says, "This is not a fairy tale, this was the real, the adult world in which frogs did not address princesses, and the only messages were the ones people sent" (57). The irony is powerful because Briony thinks she is leaving the world of make-believe and entering reality; yet, she gets it completely wrong and in doing so she creates an entirely new fiction.

This is not the last time Briony will confuse the fictional world with the real works. When Robbie accidentally gives Briony the shocking love letter for Cecilia, Briony becomes convinced about her earlier assumptions that Robbie is a sexual "maniac" and that she must protect her sister from him. In the library scene when Briony walks in on Bobbie and Cecilia making love, the narrator says, "The scene was so entirely a realization of her [Briony's] worst fears that she sensed that her over anxious imagination has projected the figures onto the packed spine of books" (116). It is

clear that Briony has trouble distinguishing between the imaginary world and what is actually happening. She projects what she thinks will happen (projections based on the fictional stories she has read) into the real situation, and in doing so she ends up creating fiction rather than discovering reality. Briony's confusion is fully realized when she names Robbie as Lola's rapist. It is this "story" that will shape Briony's and Borrie's lives.

But Briony is not the only one who combines fiction with truth. When Robbie is sent to prison, he is considered a sexually dangerous man and therefore his letter to Cecilia are censored. Thus, he and Cecilia find a creative way to communicate their feelings for each other by "writ[ing] about literature and using characters as codes" (192). This is metafictional in that there is a gap between what they are portraying on the page and the actual meaning their words represent.

Another example of metafiction is when Briony receives the rejection letter from the publisher in which she is given ways to improve her story so that it could possibly be published in the future. Judging from the publisher's comments, the reader soon realizes that we have read a different version of the story than the one submitted to the publisher because every suggestion proposed by the publisher has already been incorporated into the story we have just read. At this point, the reader completely recognizes that the narrator is not an objective being, rather the narrator is Briony. The reader begins to question the "reality" portrayed on the page and the relationship between the written word and the truth. If Cecilia and Robbie can conceal truth with fiction, is it possible for Briony to portray fiction as truth? The narrative frame has been broken and McEwan has exposed Briony as the narrator and fictional author of the text. In turn, the reader begins to consider his/her relationship to this fictional character Briony, which is a strange meeting of the real world and the fictional world.

Probably the most similar aspect of *Atonement* and *The Muse*

*Asylum* is that they both have extremely metafictional endings. In *Atonement*, the reader finds out that in fact Briony is the fictional author of the text, and what the reader has just read is her “atone-ment” for the fiction/lies she create in her youth. But the reader soon realizes that Briony has not stopped creating fiction when she confesses that Robbie died before making it back home and Cecilia was killed by a bomb a few months later, and therefore they were reunited. Briony writes, “If I really cared so much about facts, I should have written a different kind of book” (340). She also goes on to say, “If I had the power to conjure them [Robbie and Cecilia] at my birthday celebration...still alive, still in love, sitting side by side in the library, smiling at *The Trials of Arabella*? It’s not impossible.” (351) The reader feels completely manipulated by Briony. This is strange given the reality of the situation, which is: the reader is reading *Atonement*, a text known to be fiction about a fictional character, Briony, who has served as McEwan’s narrator and fictional author of the book. It is amazing how the reader becomes so concerned with “what really happened.” We find ourselves wanting to know which truths have been blurred by Briony when really there are no truths because it is all a created fiction and Briony, whose authorship we are questioning, is a creation of Ian McEwan. It is not Briony who has manipulated us, it is McEwan. In the end, McEwan is able to side swipe the reader because he/she has become emotionally invested in the book. Patricia Linton writes concerning this very effect of metafiction, “It both creates a fictional world that engages us (making us willing to suspend or disbelief) and reminds us that the created world is merely fiction.” McEwan plays the reader’s logic against his/her emotion in such a way that the metafiction in the ending both appalls and intrigues.

*The Muse Asylum* also has a metafictional ending. Once Jake realizes that Andrew wasn’t crazy and his theories concerning Horace Jacob Little were true, he vows to take revenge on the pseudo Little, Gabriel Callahan. He says, “If Gabriel Callahan had

convinced everyone that he was Horace Jacob Little, then why couldn't I do the same?" (224). He goes on to say that if anyone ever caught on to his deception, he "would simply publish the book under a different pseudonym—something long and intricate, perhaps Slavic or Russian" (224). Here, David Czuchlewski imposes himself into the novel. The statement about writing under a Slavic pseudonym is a direct reference to the name "Czuchlewski." This is deeply metafictional because it has implication in the fictional world as well as the real world of the reader. The fictional world enters the reader's reality because it implies that Jake Burnett is David Czuchlewski. If that is true, then there is the possibility that the book is an account of "real" events, not just fictional ones. Once again, the metafiction in this ending suggests that "other worlds we regard as real (our ordinary reality) may also be constructed, manipulated, and fictional." (Linton).

As Jake Burnett and Briony Tallis enter the reader's world on an intellectual or emotional level, the reader's everyday reality is imposed on and questioned. We realize that the distance between ourselves and the fictional world of our novels is not as great as perhaps we once supposed. When reading novels, the reader not only gains access to the fictional world, but the fictional world also gains access to our reality, and relationship between the reader and the text. Ultimately, we "read" the reality in which we live, and with this kind of consciousness the gap between what is fiction and what is reality begins to close.

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# Toward a Practical Reading of *The Meno*

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Philosophy 211: History of Philosophy I  
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In *The Meno*, Plato attempts to address a paradox that seems to render inquiry effectively impossible. The character of Socrates, in the dialogue, responds to this paradox by introducing Plato's "Theory of Recollection" (TOR). Though the TOR, as it appears in *The Meno*, is an explicitly metaphysical proposition, Socrates presents the argument in somewhat ambiguous language. Consequently, this has led to some difficulty in determining whether Plato intended the reader to accept the TOR as it is literally presented, or otherwise. This paper argues that the emphasis in *The Meno* is not the substantive, metaphysical aspects of the TOR. On the contrary, the context of the TOR's appearance in *The Meno*, and the subsequent manner in which Socrates conducts the argument reveal that Plato's primary concern is defending the critical method, demonstrating that inquiry does happen, and that sincere inquiry is necessary to living a good life.

*The Meno* begins as a discussion between Socrates and an interlocutor, Meno, on the topic of whether virtue can be taught. Socrates, as per usual, insists that before they can discover whether virtue can be taught, they must first discover what sort of thing virtue is. The dialogue then proceeds in typical Socratic manner, with Meno presenting possible definitions of virtue, and Socrates



calling them into question. (Meno 70a-79b) Before this discussion can proceed very far, however, Meno digresses. He remonstrates with Socrates for his argumentative method, and then proceeds to call into question whether inquiry is possible at all. Meno's argument, what has come to be known as the Paradox of Inquiry (POI) is thus: Inquiry must, by definition, be into what we know or what we do not know. Inquiry into what we know is pointless, because we already know it. Inquiry into what we do not know is impossible, because we do not know what to look for. Therefore, according to Meno, valuable inquiry is impossible. (Meno, 80d-e)

In response to Meno's paradox, Socrates introduces the Theory of Recollection (TOR). Meno had contended that inquiry without prior knowledge of a subject was impossible. Socrates admits this position, but claims that we do in fact possess sufficient prior knowledge to conduct meaningful inquiry. Taken at face value, the argument Socrates presents for this claim is thus: The human soul is immortal. Being immortal, it has had direct experience with all things previously, but somehow it has forgotten the knowledge derived from this experience. The knowledge, however, is still within the soul, and through proper stimulation, the soul can be provoked into 'recollecting' this prior knowledge. Furthermore, once some knowledge had been recollected, it provides sufficient basis for subsequent inquiry and independent recollection, e.g. learning. (Meno 81c-e)

It is somewhat difficult to ascertain exactly how Plato desired the reader to interpret Socrates' presentation of the TOR. Are we to take the TOR literally, and accept that inquiry is possible simply because the soul is immortal? Or is Socrates' presentation implying some other reason for why inquiry is possible? Either way, The TOR contains two basic presuppositions: 1) there are facts about the world, (Meno 81b-d) and 2) these facts are organized according to rational principles. (Meno 81d) If, on the one hand, the TOR is to be taken literally, then inquiry is possible because we are already in

possession of the facts about the world. If this is the case, then Socrates uses the term 'recollection' in a relatively narrow sense, that is, that we recollect particular knowledge because of actual prior exposure to it. Therefore, under this view, learning something is only recollecting previously held knowledge, and teaching is simply providing the appropriate 'prompts' for that recollection.

If, alternatively, the TOR is to be taken non-literally, then inquiry is possible for two reasons. First, simply being in the world seems to provide us with some rudimentary (e.g. perceptual) knowledge of it. Second, we have, by way of our rational capacity, the means to build from this rudimentary knowledge, and apprehend further facts about the world. If this is the case, then the metaphysical parts of the TOR may be taken as merely metaphorical descriptions of our capacity for rationality. Our rationality corresponds with the second presupposition of the TOR, that the world is organized rationally. We can therefore 'test' what we believe to be the case about the world against the world, and those beliefs that correspond to the world's rationality will be borne out. It is important to note that in this interpretation recollection is still meant as learning based upon previously held knowledge. What is different is that we can use our rationality to 'recollect' new knowledge, building upon prior knowledge about the world that is gained *simply by being in it*.<sup>1</sup>

The difficulty here is that both the literal and the non-literal interpretations of the TOR seem to give adequate explanations as to why inquiry is possible. The question is therefore which reading of the text is more appropriate. The crux of this question is Socrates' degree of commitment to the metaphysical portion of the TOR. In determining Socrates' degree of commitment, it is important to consider three factors.

First, the TOR, if it is not to be taken literally, requires a degree of extrapolation from the text to be sufficient in its explanatory power. Socrates presents, in argument, two different types of

knowledge that may be ‘recollected.’ First, Socrates demonstrates how inquiry can lead us to figurative knowledge, by interrogating one of Meno’s slaves as to how one doubles the area of a square. The slave proposes a possible answer, and Socrates shows how it is incorrect. The slave then reformulates his response in light of Socrates’ objection, and eventually comes to the correct answer. (Meno 82b-86c) Second, the overall dialogue of *The Meno* itself can be taken as evidence of how inquiry can lead us to moral knowledge. (Meno proposes a definition for virtue, Socrates objects, Meno reformulates, etc...) However, Socrates’ *definition* of the knowledge that may be recollected is more expansive than these demonstrations allow. The TOR encompasses not only moral or figurative knowledge, but empirical knowledge as well. (Meno 81b-d) The problem here is that if Plato intended the reader to come away with a less-than-literal interpretation of the TOR, he has not done a terribly good job of having Socrates cover all the necessary bases to make such an interpretation robust.

It may be possible to account for this discrepancy. Given the model of inquiry that Socrates presents, we may be able to substitute empirical terms for the moral/figurative ones, and thus present a similar argument for why empirical inquiry is possible. This, however, is exactly the point. A non-literal interpretation requires us not only to be charitable to Socrates, but additionally to make arguments that he does not actually make.

Second, despite the ‘patchiness’ of the non-literal version, Socrates does not provide compelling arguments for the literal aspects of the TOR either. That is, in making his case for the TOR, Socrates does not make the possibility of inquiry *necessarily* hinge upon the acceptance of the TOR’s metaphysical claims. For instance, in the demonstration Socrates conducts with the slave boy, there are actually two sequences of questioning. The first leads the slave to an incorrect answer. (Meno 82c-84b) The second leads to a correct one. (Meno 84d-85d) What the demonstration reveals,

and what Socrates admits, is that slave has not only true opinions regarding the world in him; he also has false ones. (Meno84a-b) In short, all Socrates has established is that the slave has opinions, some of which are correct and some of which are not. Their truth can be tested, and those that are borne out can subsequently serve as a basis for acquiring further knowledge. Though Socrates attributes the correct opinions to the soul's immortality, (Meno 85c-86b) there is no point here where the insertion of metaphysical terms is required for the demonstration to work. Furthermore, Socrates does not even seem particularly attached to the literal meaning of the TOR. In summarizing his position, Socrates qualifies the argument by not insisting that it is substantively correct. (Meno 86b)

Third, the TOR does not appear in *The Meno* as a proposition of its own, but as a response to the Paradox of Inquiry. Socrates is not enamored with Meno's paradox. He calls it a 'debater's argument,' (Meno 80e) and complains that Meno has taken them off topic. Meno, in his paradox, has attacked the whole enterprise of inquiry, the very foundations of the critical method. Socrates does not desire to engage with Meno's paradox, but he has to in order to further the original discussion. Thus, the TOR is introduced both as a means to steer the discussion back to its original purpose, determining whether virtue can be taught, and moreover, as a defense of the critical method.

The context of the TOR's appearance in *The Meno* is significant, because it gives an indication as to why Plato has Socrates make such a substantively ambiguous argument. While Socrates does not seem committed to a particular interpretation of the TOR's substance, he is absolutely unequivocal about the necessity and value of inquiry. Plato frames Socrates' discussion of the TOR with two declarations on why we should commit ourselves to sincere inquiry into things we do not yet know. Accepting the conclusions of the POI, according to Socrates, would make us weak-willed and ineffectual. (Meno, 81e) Commitment to inquiry, conversely,

makes us, “better men, braver and less idle.” (Meno 86c) It would seem, therefore, that Socrates’ commitment in the *Meno* lies not in any particular interpretation of *how* inquiry is possible. Rather Socrates’ emphasis is in demonstrating that it is possible, and moreover, *that* it is necessary to leading a good life and discovering the truth about the world. In short, the metaphysics of the TOR are completely subordinate to its practical implications.

One possible line of objection to this argument is that if it is an accurate description of Plato’s intentions in *The Meno*, then neither Plato nor Socrates has really made his case. This argument has claimed that in *The Meno*, Socrates has subordinated the metaphysical explanation for how inquiry is possible to demonstrations that it is possible. That is, he has subordinated the explanation for the possibility of inquiry to its practicality. Given the nature of what is being discussed, this seems insufficient. Socrates can conduct all the demonstrations he wants, but he has still only proven half of his argument. To make the argument robust, Socrates must account for the foundational knowledge that provides the basis for inquiry. To do so, he must commit to a specific interpretation of the TOR, literal or otherwise.

This objection can be met by pointing out that it is not always the case that a proposition’s validity depends upon the elaboration of how it is possible. This point can perhaps be made most clear by way of analogy. In scientific experiment, for example, a hypothesis that *x* is the case can be verified without complete comprehension of how it is the case. In legal proceedings, the primary argument is over whether or not it can be established that *p* is the case. How it is possible that *p* is the case is generally regarded as circumstantial evidence. It is not entirely superfluous, but neither is it absolutely necessary. Rather, it is merely helpful. In both of these cases a measure of truth is apprehended, and while it is not complete, it is sufficient for the task at hand. It could be argued that Socrates’ task in *The Meno* is in some ways comparable to these examples. That

is, if one can demonstrate that inquiry is possible, we can therefore *assume* that there is some explanation for how it is possible.

Another possible objection is that this argument seems to depict Socrates as engaging in a kind of sophistry. The argument has purported to demonstrate that Socrates is essentially uninterested in how we take the TOR, so long as we accept some form of it and move on to the more important business of conducting inquiry. If we accept this line of argument, then it would seem that, in *The Meno*, Socrates is more interested in persuasion than in truth. This seems fundamentally at odds with what we know of Socrates. Furthermore, it contradicts the argument's own conclusion, that the reason inquiry makes us better is that it helps us to distinguish truth from falsehood.

This objection can be met by making a distinction between sophistry and argumentative pragmatism. To accuse Socrates of engaging in sophistry in this context is to deny him some of his wiliness. Socrates does not appreciate Meno's digression, and is simply fielding the arguments necessary to put the dialogue back on course. Socrates asserts and then demonstrates that inquiry is possible. There is nothing inherently sophistic about the argument. In response, Meno might have pressed the logic of the POI further, but he does not do this. He accepts the conclusions of the arguments that Socrates presents. To demand that Socrates do something more than present a good argument that his interlocutor accepts seems to set the bar a little high.

Furthermore, it should be noted that if anyone is engaging in sophistry in *The Meno*, it is Meno himself. Meno's paradox makes a counter-intuitive argument from reason that inquiry cannot happen. All that is required of Socrates to refute the POI is to shift the burden of proof from those who would defend the possibility of inquiry to those who would deny it. He does this, both in the interrogation of the slave and in the dialogue as a whole. The metaphysical claims of the TOR, in a sense, need to be there, in order to

provide some circumstantial framework for why inquiry is possible, but their complete elaboration and definitive proof are unnecessary to the task of demonstrating that inquiry is possible.

What can be seen here is that, in introducing the TOR, Plato is primarily concerned with responding to an assertion that claims that inquiry is impossible. While the arguments that Socrates presents in the dialogue for *how* inquiry is possible are 'patchy' and ambiguous, the demonstrations he conducts in making the argument serve as definitive evidence *that* inquiry is possible. Therefore, we may conclude that the substantive elements of the TOR, as it appears in the *Meno*, are less important than the TOR's application as an overall defense of the critical method.

*'I am indebted to Dr. Richard Cameron for much of the interpretive framework contained in the preceding two paragraphs.'*



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# True North 2003

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*"On Day One of our fifteen-week production period, the staff of True North began with 40-some-odd pages of absolute nothing. No money, no stories, no design – nada. The 13 of us simply had one goal in mind – to produce a magazine. With a little guidance and a lot of zeal, we were able to turn out the publication that you hold in your hand today – from stories to photos to the tiny little design intricacies you'll see throughout.*

*When deciding on a unifying theme for True North 2003, someone brought up the idea that UAA is like our own little city – one doesn't really ever need to leave campus to get things done. Within the invisible walls of our campus, you can find just about any amenity a regular city would offer – as True North's Mikko Sumulong shows us, at UAA you can rent skis, catch a concert, grab some espresso, hit the gym, or even have someone prepare your taxes. We've even given you a few pointers on places you can take a nap around campus!*

*In the pages of True North 2003, you will get a catch a glimpse of the city that is UAA. Staff writer Sean Rivers takes us back to the university's beginnings as he tells about the changes UAA has endured throughout the years. True North's Nikki Jefford shows us why American Sign Language classes are taking off, and Becky Stoppa introduces us to three extremely talented professors.*

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*After 15 long weeks of exhausting our creative thinking skills, this magazine is what we have to show. So sit back and join us for a moment, as True North 2003 takes you on a personal tour of our own little metropolis called UAA."*

This is the editor's letter one will find when opening the pages of *True North 2003*, an annual news magazine produced entirely by Journalism and Public Communications students enrolled in the Magazine course JPC 401 advised by Rosanne Pagano. The course focuses on the discussion of story idea generation, magazine thematic development, research techniques for a variety of selected fields, writing, editing, graphic design, marketing, ad sales and distribution techniques for published materials.

The students of the JPC 401 class began the semester by appointing staff members in order to function like a magazine office would. The staff of 13 included directors of advertising, circulation, business, and design; two copy editors and two photo editors; four staff writers and an editor in chief. Over the course of 15 weeks, the staff of *True North 2003* worked together to produce a 48 page full color magazine about UAA and the students who give the university an identity.

*True North 2003* is a magazine about UAA as a city within a city. Members of the 2003 staff recognized that the University provides students with just about everything one would need. Along with generating story ideas and writing and editing the stories, the students of JPC 401 also sold enough advertising to pay for the cost of producing the magazine, they generated design ideas and put them to work, and they created "featurettes" (small stories or tidbits of information) to keep the pages of the magazine interesting.

The information found in *True North 2003* ranges from stories about exchange students, sign language courses and UAA's nursing program to easy dorm recipes, top nine places to snooze on campus, and the number of yellow floor tiles in UAA's University Center establishment. The staff aimed to use this magazine to inform and

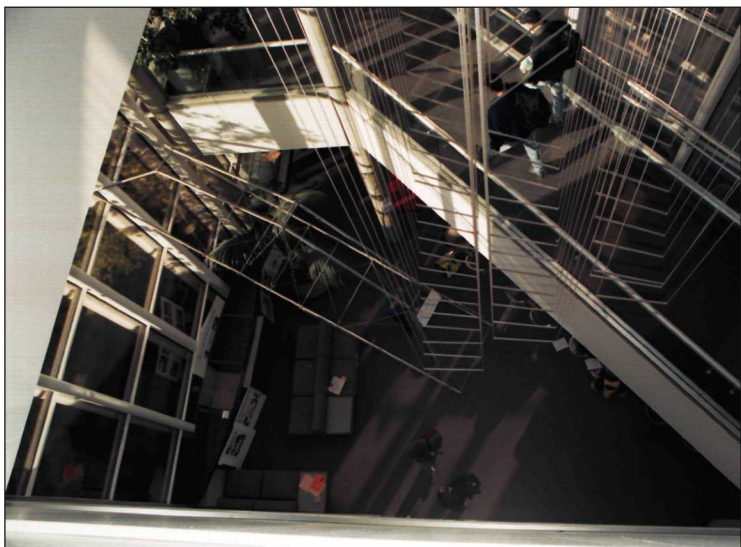
entertain its readers with enlightening stories about the UAA campus as well as amusing facts and lists relating to our campus.

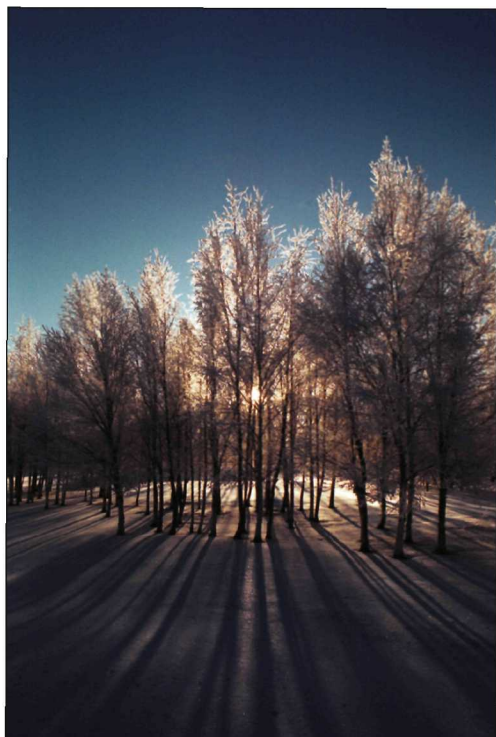
– Jenny Jones

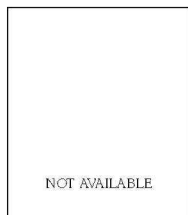
In my photo/essay of the bridges of UAA, I tried to capture the theme that students are somewhat anonymous no matter what our different goals may be, we all use the campus bridges to “Get to the Other Side” (the title of the essay). We are all going in different directions and the bridges take us to where we want to be. *True North 2003*’s theme was to show the diversity and age differences among the students of UAA, and the diverse educational opportunities available.

– Bob Martinson

The *True North 2003* staff of 15 intelligent, organized and extremely creative students started from scratch and worked together to produce an entire magazine in just 15 weeks. The end product was bold, bright, insightful, amusing and informative – a perfect blending of the staff’s ideas, skills and individual personalities.







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# A New Phylogeny of the Dromaeosauridae

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## Abstract

The Dromaeosauridae is a derived clade of Maniraptor (Theropoda) that includes such familiar genera as *Velociraptor* and *Deinonychus*. Recent finds from the Lower Cretaceous of China have revealed new specimens of primitive dromaeosaurids which are closer to the origin of birds, both anatomically and temporally, than later members. Furthermore, looking back at previously known genera has shown that dromaeosaurs as a group possess many avian features not found in *Archaeopteryx*, such as uncinat processes. My own analysis of many dromaeosaur species, as well as the primitive Madagascar form, *Rahonavis*, and the long-tailed Chinese bird, *Jeholornis*, has led to a new understanding of dromaeosaur evolution, as well as a new intraspecific phylogeny for the group itself. I have found that the Dromaeosauridae is found not a sister group to birds but instead a unique radiation of primitive “tetrapteryx” birds, many of which reverted to the terrestrial predator niche in areas where such a niche was lacking later in the group’s evolution. *Jeholornis* is also shown to be a possible Rahonavid. Furthermore, *Microraptor gui* is found to be a distinct genus from *Microraptor zhaoianus*.

## Introduction

Paul (1988, 2002) has asserted that the Dromaeosauridae, as well as most of the groups within the Maniraptora (including the therizinosauroids), are secondarily flightless birds. Until his hypothesis, the Dromaeosauridae had always been considered “more primitive” than the birds, including *Archaeopteryx* (Fig 1). Indeed, numerous phylogenetic analyses placed the “raptor” dinosaurs as the closest relatives of the birds and archaeopterygiformes, but no character matrix allowed for the possibility that these animals had flying ancestors (Xu, et al, 2003; Maryanska, et al, 2002; Burnham, et al, 2000). Based on known genera in 1989, Paul’s notion that raptors were secondarily flightless seemed premature. While *Deinonychus* and *Velociraptor* certainly shared many similarities with birds and *Archaeopteryx*, many of those similarities could have been attributed to parallelism. However, newly discovered *Microraptor zhaoianus*, *Microraptor gui*, and *Sinornithosaurus millenii* have greatly expanded and revised the library of features shared by birds and raptors.

### Archaeopteryx, Rahonavis, and phylogenetic difficulties

Before going into the phylogeny of the dromaeosaurids, it is important to consider the archaeopterygians, which are often considered a sister group to the Deinonychosauria (Dromaeosauridae + Troodontidae). *Archaeopteryx* itself shares many skeletal similarities with dromaeosaurids, including (but not limited to) a retroverted pubic peduncle; a hyperflexible second toe; a bowed metacarpal III; depressed nasals; and a diamond-shaped dorsal supraoccipital (Paul, 2003). It may be that the archaeopterygians form an out-group to the Dromaeosauridae, although the fact that dromaeosaurids have many important birdlike features which are lacking in archaeopterygians makes this less likely (Fig. 2).

As close as *Archaeopteryx* seems to be to dromaeosaurs, it is separated from them by some very important avian skeletal fea-

tures. Interestingly, no specimen of *Archaeopteryx* is known to have uncinat processes, yet dromaeosaurs are famous for them. They are most obvious on the “fighting *Velociraptor*” specimen (Barsbold, 1983). Other important avian features absent in *Archaeopteryx* but present in dromaeosaurids include four or more sternocostal articulations; a long, ossified sternal plate; completely fused scapulocoracoid (lost in later genera); a proximally narrowed coracoid, and a reduced calcaneum (Paul, 2003). *Archaeopteryx* can therefore be regarded as more primitive than both birds and dromaeosaurids. Interestingly, *Archaeopteryx* and primitive dromaeosaurs share one important feature: both have five hip vertebrae, or sacra. This is strange because primitive birds have at least six, *Rahonavis* does also (Forster, Sampson, Chiappe, and Krause, 1998), and later dromaeosaurs such as *Deinonychus* (Ostrom, 1969) have six as well.

It would seem that the addition of one sacral vertebra at the expense of a dorsal was evolved in both groups for different reasons. As we shall see, later dromaeosaurids reverted to a terrestrial predatory niche, and so the extra sacral was probably added in order to strengthen the hips. In birds and *Rahonavis*, the dorsal was lost in favor of a shorter trunk.

*Rahonavis*, an interesting genus from Madagascar whose phylogenetic relationships are far from certain, is a seemingly primitive bird with features found in both *Archaeopteryx* and dromaeosaurids (Forster, et al, 1998). Furthermore, as stated above, *Rahonavis* exhibits six sacral vertebrae. According to its authors, *Rahonavis*’ pelvis is somewhere in between the first bird and primitive dromaeosaurs, although the ischium seems closer to the first bird. The tail is archaeopterygian and lacks prezygapophyses and extended chevrons. The pes, however, is like that of a dromaeosaur, although the first toe is reversed. The second toe is hyperextendable and bears a greatly recurved claw like those of *Velociraptor* and *Bambiraptor*. It is notable that more primitive raptors such as



*Microraptor* and *Sinornithosaurus* did not possess such large raptorial claws, although the claw of the second toe was slightly enlarged relative to those of other two weight-bearing toes. Interestingly, Forester et al contend that *Rahonavis*' fibula is splintlike and does not reach the calcaneum, an avian feature not found in dromaeosaurids or *Archaeopteryx*. *Rahonavis*' mosaic of avian and dinosaurian features made it difficult to place in avian evolution until the discovery of *Jeholornis*, but this will be discussed later in the paper.

### Experimental avians

Dromaeosaurid dinosaurs are now known to possess 'modern' feathers, which are structurally identical to modern birds (Czerkas, S. A., et al, 2002; Norell, M., et al, 2002; Xu, X., et al, 2003). Interestingly, at least one primitive dromaeosaurid, and possibly two, both from China, are in a "tetrapteryx" stage of evolution, whereupon wings are formed on both the arms and legs (Xu, et al, 2003; Czerkas, S. A., et al, 2002a). This implies that primitive dromaeosaurs are an experimental sidebranch of early avian evolution. One of these creatures, *Microraptor gui*, has extensive pennaceous feathers along the metatarsus as well as the manus (Figs. 3 & 4) (Xu, 2003). Essentially a "four-winged" dinobird, *Microraptor gui*'s lifestyle is difficult to imagine (Fig. 5). A slightly larger dromaeosaur recently described named *Cryptovolans pauli* (Czerkas, Zhang, and Li, 2002) seems to have a hindwing as well, although its preservation is not as good as *M. gui*'s. The authors of *Cryptovolans* deny that the creature has a hindwing, but fail to adequately explain why pennaceous feathers would be found along the metatarsus (which this author notes).

According to their describers, *M. gui* and *Cryptovolans pauli* are the only raptor dinosaurs with unified sternal plates. In both animals, the plate itself is surprisingly large (and is, in fact, larger than that of *Archaeopteryx*). Also in both, the semilunate carpal block

caps digits II and III more so than I, and in fact digit I is almost accessory to the hand. Nearly immobile, the first finger seems to be approaching the avian condition. There appears to be a primitive alula attached to the first finger of *M. gui*, implying that its absence in avians pre-*Eoalulavis* is a preservation bias. The claws of both *Microraptor* and *Cryptovolans*, however, are strongly recurved and are consistent with a trunk-climbing habit (Xu, et al, 2005; Czerkas et al, 2002). It is unknown whether or not either *M. gui* or *C. pauli* had a reversed hallux, but its presence may be supported by the fact that *Archaeopteryx*, *Rahonavis*, and *Microraptor zhaoianus* do. *M. gui*'s skull is badly crushed but a tri-radiate postorbital is known, and the same feature can be distinguished in *C. pauli*. Both research teams assert that these were certainly arboreal animals, and probably spent very little time — if any — on the ground. The hindwings would have seriously restricted terrestrial movement but would have been a godsend in the treetops, where the creatures could easily glide from tree to tree, although shoulder movement was clearly avian as both creatures possessed fused scapularcoracoids (Fig. 6), and the extensive asymmetric pennaceous feathers provide proof of powered flight in both animals (Czerkas, et al, 2002).

In this author's mind, it seems clear that *Microraptor gui* and *Cryptovolans pauli* are easily the most primitive known dromaeosaurids and closest to the avian condition. I believe that they can be classified to Dromaeosauridae based on only *two* important features which can probably be taken to be ancestral to the family: extremely elongate prezygapophyses and chevrons — which strengthen the tail into an immobile, rod-like organ; and an elongated metatarsal V. The rigidity of the tail would make sense in a gliding animal, as the tail itself (which ended in a plume of feathers in both animals that were more distally placed than those of *Archaeopteryx*) acted as a rudder or stabilizer. This arrangement is also seen in rhamphorhynchoid pterosaurs (Wellnhofer, 1996). In

fact, in a newly described pterosaur, *Pterorhynchus wellnhoferi* (Czerkas & Ji, 2002a), the traditional rhamphorhynchoid tail rudder takes up the lower two thirds of the tail itself, making it one of, if not *the*, longest tail rudder among the known pterosaurs. *Microraptor gui* has a tail plume that is roughly the same proportionate length as *P. wellnhoferi*, supporting a role in *M. gui*'s flight apparatus. In later dromaeosaurs the tail acted as a balancing organ for fast terrestrial locomotion. The elongated metatarsal V may be a quip of the group, for its functional significance is uncertain. As the skull of *M. gui* is so badly damaged, it is unknown whether the animal possessed a T-shaped lacrimal, another traditionally diagnostic trait of the Dromaeosauridae. Many would argue that the specialized "sickle claw" adaptation should be included in this list, but as we shall see later, it common to more than just the Dromaeosauridae.

As the most primitive dromaeosaurid, I would ascribe *Microraptor gui*, and possibly *Cryptovolans*, to its own family, the Tetrapteryxidae. Furthermore, I believe that enough anatomical separations--both skeletal and integumental--exist between *M. gui* and *M. zhaoianus* to warrant a new genus to the former. These differences include a much shorter 1st finger, a strongly curved pubis, bowed tibia, larger overall size, and a prominent hindwing (Xu, et al, 2003). So, at least for the remainder of this paper, *Microraptor gui* will be referred to as '*Tetrapterornis*' *gui* (etymology: "four-winged bird") to reflect its uniqueness and the overall thesis of this paper. I would also point out that '*Tetrapterornis*' and *Cryptovolans* may represent the same animal, because they both come from the same locality and age, and both have similar features.

The next most primitive raptor known is *Microraptor zhaoianus*, discovered by Xu, et al in 2000. This animal is beginning to approach the normal dromaeosaurid terrestrial lifestyle. *M. zhaoianus* has the honor of being the smallest adult dinosaur known. The holotype, an adult, is between twelve and fourteen

inches long, depending on the length of the torso (which is unknown). This animal is smaller than *Archaeopteryx*, yet more advanced than it. An important feature of *Microraptor* that strongly links it to primitive birds, troodonts and *Rahonavis* are its teeth. The posterior teeth have posterior serrations, but have a constriction between the root and the crown (termed 'waisted' teeth). It is likely that '*Tetrapterornis*' had these kinds of teeth as well. The animal's ischium resembles that of *Sinornithosaurus*, *Archaeopteryx*, and *Rahonavis*. Gastralria, sternal ribs, and uncinates are all preserved in the specimen. Much of the holotype's axial skeleton has been destroyed by normal geologic processes, but two new specimens described by Hwang, et al. (2002) provide a wealth of information that links *M. zhaoianus* strongly to its ancestor. First, the new specimens provide fused scapularcorocoids and a laterally-facing glenoid, but paired sternal plates. Because a unified plate is present in '*Tetrapterornis*' and *Cryptovolans*, it is reasonable to assume that this feature was the first avian element, skeletally, to go through a reversal in dromaeosaurid dinosaurs. The new specimens also preserve the common boomerang-shaped furculae of most primitive avians. Free uncinatate processes litter the ribs of both specimens. Most importantly, however, *Microraptor zhaoianus* has a reversed hallux (Fig. 7). The hallux is small its claw points toward the terminal end of metatarsal IV. Still, the hallux is probably large enough to support the tiny raptor should it decide to perch. Hwang, et al. are undecided whether the sacrum of *Microraptor* has five or six sacrals, but given the number in *Sinornithosaurus*, I would bet on five. The holotype of *Microraptor zhaoianus* is preserved with patches of integument, although the feathers of this animal are much shorter than those of '*Tetrapterornis*.' Again, feathers are preserved at the femur, where they run perpendicular to the bone, whereas the feathers around the tibia area are shorter. Clearly, *Microraptor* is losing the hind-wing of its ancestors, perhaps adopting a more terrestrial exis-

tence. Still an avid climber, though, *Microraptor*'s authors note its strongly recurved claws and elongated pedal phalanges for clambering up tree trunks, and the discovery of a reversed hallux certainly bolsters that notion. While no longer a flying creature, *Microraptor* has not yet given up its arboreal lifestyle and so is an intermediate form between climbing and terrestrial dromaeosaurids.

### Getting back to the ground

The "tetrapteryx" stage in dromaeosaur evolution seems to have been relatively brief. Most raptor genera are known as being terrestrial, pack-hunting predators. Dromaeosaurs were only in the trees from the Late Jurassic to the Early Cretaceous, but large land-based raptors persisted until the end of the Mesozoic. Intermediate between trunk-clambering *Microraptor* and ceratopsian-disembowling *Velociraptor* is *Sinornithosaurus millenii* (Xu, et al, 2001; Xu, et al, 1999), another primitive Chinese form. This small creature, only about three feet long as an adult, retained some arboreal features but was more at home on the ground (fig. 8). Two specimens are known: an adult and a juvenile. The former specimen is badly disarticulated and many parts of the skeleton have been lost (Xu, et al, 1999). The skeleton of the sub-adult, however, is essentially complete (Xu, et al, 2001). The adult displays important skeletal features including a T-shaped lacrimal; a laterally-facing glenoid socket; an archaeopterygian boomerang-shaped furcula; and hinged sternocostal joints on the paired sternal plates. *Sinornithosaurus* also has some clearly terrestrial features. It has lost the *Rahonavis*-like teeth of its ancestors, its body size has increased substantially, and its raptorial claw has enlarged. Also, like *Microraptor zhaoianus*, *Sinornithosaurus* has paired sternal plates. Terrestrial as *Sinornithosaurus* may have been, it still featured the strongly recurved claws and elongated phalanges of its smaller, more primitive cousins. Although the describers of *S. millenii* do not

bring up this possibility, tree-climbing may have occurred but would have been limited to escape, rest, and possibly nesting.

The juvenile specimen of *Sinornithosaurus* has the best-preserved integument, and shows extensive feather covering around the arms and legs (Xu, et al, 2001). The hind feathers are concentrated mainly around the thighs, while the arm feathers are arranged along the metacarpals and lower arm. It does not appear that feathers attach to the second finger, as in *Archaeopteryx* and ‘*Tetrapterornis*.’ Interestingly, there is a tuft of feathers along the snout. Whether this is a juvenile condition or not cannot be certain. The tail features a small plume of feathers.

At this stage in the evolutionary game, I believe that feathers are still important in the dromaeosaurids, but their aerodynamic function is waning. In fact, *Sinornithosaurus* has rather scruffy symmetrical feathers, and “tufted” feathers, typical of flightless birds. Besides insulation, *Sinornithosaurus*’ feathers now seem to have a sexual or threat display purpose, similar to the situation with *Caudipteryx zoui* (Qiang, et al, 1998). One can imagine two rival male *Sinornithosaurus* holding their arms out and raising their tail plume in the air—bright feathers flapping about, each trying to intimidate the other out of courting a duller-colored female.

### **Classic Dromaeosauridae**

Now we are getting to the familiar raptors: *Velociraptor*, *Deinonychus*, *Utahraptor*, and their kin. These derived dromaeosaurids, which I interpret as the true Dromaeosauridae (more on that later), have adapted to a fully terrestrial lifestyle and have become reacquainted with the old dinosaurian predatory niche. My observations have lead me to conclude that the important features of this group include a hypertrophy of the raptorial claw; reduction in forelimb length; degradation of the furcula; the addition of a sacral vertebrae (except in *Bambiraptor*); a notable lengthening of the tail; the development of a box-like skull; and the reduction of

sternal ribs. It would seem that dromaeosaurs are going through a reversal toward a more “primitive” morphotype--that is, the ancestral terrestrial predator body type. Although none of the following animals have been found with feather impressions (as none have been found as slab fossils), they undoubtedly had integument, although exactly how much may never be known.

The juvenile skeleton of *Bambiraptor feinbergorum* was described in 2000 by Burnham, Derstler, Currie, Bakker, Zhou, & Ostrom. It has five sacral vertebrae, making it closer to the trunk-climbers than to the Dromaeosauridae. Another fragmentary skeleton, described in the same paper, has been ascribed to an adult. The juvenile gives us more information about the animal itself. The femur is incredibly short compared to the tibia/fibula. It is also strongly bowed, which may be a species-specific character. The fibula is weak and splint-link, although it does manage to reach the calcaneum. The pubic boot is cupped and the ischium is non-decorated. The sternal plates have at least four sternocostal articulations each. The semi-lunate is in full contact with metacarpal I. The third finger is extremely bowed inward. The toes are long but the claws are only slightly recurved. The coracoid is slender and bird-like. The arms are not as long proportionately as in *Sinornithosaurus*, but still approach *Archaeopteryx*. The skull is large, long, and less triangular in lateral view than *Sinornithosaurus*. The tail is incomplete, but *Bambiraptor* is assumed to have had more than 22 caudal vertebrae. How many of these features are ontogenic traits is unknown, and can only be known when more complete adult remains are discovered. *Bambiraptor*'s tall, blunt skull may remind some of *Dromaeosaurus*, but *B. feinbergorum*'s describers assure us that the two are dissimilar in many ways, especially features of the dentition. Still, could *Bambiraptor* represent an early dromaeosaurine? With five sacrals, unusually long phalanges, and a braced tooth row, *Bambiraptor* seems to be more of a transitional form between the Chinese raptors and the larger

Mongolian and North American raptors.

The Late Cretaceous of Mongolia was home to the notorious *Velociraptor mongolensis*, made famous in the film *Jurassic Park*. *Velociraptor* is one of the smallest members of the Dromaeosauridae, reaching only about five feet in length from nose to tail tip (Osborn, 1924). Osborn's analysis shows that this little dromaeosaur has all the "classic" dromaeosaurid synapomorphies including a T-shaped lacrimal; greatly recurved and serrated teeth; a retroverted and "booted" pubis; and a long tail (comprising of more than 26 vertebrae) strengthened by prezygapophyses and elongated chevrons. Although nobody has really noticed them, *Velociraptor's* ribs feature uncinat processes. I note that the arms are markedly shorter, proportionately, than in *Sinornithosaurus*. The scapulocoracoid has been unfused (Paul, 2002), and the raptorial claw has become a deadly weapon. *Velociraptor's* flighted heritage, however, has only helped its predatory role. The glenoid still faces laterally, although forward movement was also possible. The avian arm-folding mechanism, made possible by the semi-lunate carpal block, is in full effect (Paul, 2002). Interestingly, the block has moved forward, so that metacarpals I and II are capped, while III is held by the radial bone, which implies to me that use of the first finger became important to this animal's lifestyle. *Velociraptor* has also increased its sacral count to six. This is probably related to a strengthening of the pelvic girdle for land-based locomotion. The short ischium and fore-placed center of gravity imply that the long tail was used very little, if at all, in leg muscle contraction (quite different from other large theropods such as *Allosaurus* and *Albertosaurus*) and took on a purely balancing role (Paul, 2002). *Velociraptor* also had important species-specific traits, such as depressed nasals and a surprisingly thin lower jaw. It is also likely that the tail plume seen in *Sinornithosaurus* remained in the Dromaeosauridae as a signaling or display device. However, the animal is entirely terrestrial, having given up completely the arbo-



real habits of its ancestors in favor of a landlubbing existence.

The first raptor dinosaur was discovered in Alberta by Barnum Brown in 1914. A proper description was not conducted for another 47 years, however, by Colbert and Russell. At the time, it was thought to be a large coelurosaur, or a small carnosaur (based on the outdated theropod classification). The terribly incomplete remains of *Dromaeosaurus albertensis* (now known also from Alaska) show many features in common with the more derived *Deinonychus*, even though *Dromaeosaurus* lived during the Late Cretaceous. Brown's *Dromaeosaurus* is best known for its skull, which is incredibly boxy with seemingly oversized teeth. The postorbital fenestrae are more rounded than in earlier or later raptor dinosaurs. Currie's restoration (1995) gives the raptor a fairly rectangular profile—much different from the slender, sloping head of *Velociraptor*. What is known about *Dromaeosaurus*' fragmentary remains consist of scraps from the hind limbs. The creature probably had a velociraptorine-sized raptorial claw on a slightly larger animal (*Dromaeosaurus* is between six and seven feet long). Based on its dentition and larger size, I would say that this 'running reptile' had regressed completely from the trees, and most likely hunted prey as large as itself or, in packs, larger. The box-shaped skull was strong and helped brace the tooth row. Although far from its flighted ancestors, *Dromaeosaurus* was not a part of the Megaraptora, as its raptorial claw was still rather puny, and it was not a very large dromaeosaur. As its skeleton is largely unknown, not much can be said about its direct relationship to *Deinonychus* or "*Utahraptor*."

### **The Megaraptora**

A purely North American, Early Cretaceous subset of the Dromaeosauridae, the Megaraptora includes the large dromaeosaurs *Deinonychus* and *Utahraptor*. *Deinonychus*, at least, is characterized by a hypertrophied raptorial claw; a tall iliac blade; a long,

boxlike skull with reduced orbits; anterior projection of ischium that almost contacts the back of the pubis; notable reduction in cannon bone length; and a reduction in scapular length (Paul, 2002). *Deinonychus antirrhopus* (Fig. 9), from Montana, is thought to be a pack hunter, as the remains of at least three individuals have been found around the remains of the ornithomimid *Tenontosaurus* (Ostrom, 1969). *Utahraptor* is known from scanty remains, although it is thought to have grown between 18 and 21 feet long, with a raptorial claw approaching ten inches on the outer curve, including the keratin sheath (Kirkland, et al, 1993) (Fig 10). Burnham, et al, 2000 suggest that *Utahraptor* is a chimera and does not represent a dromaeosaurid at all. Both animals were big-game predators, and their territories were shared by nodosaurs, iguanodonts, and mid-sized sauropods (Kirkland, et al, 1997). The integument of *Deinonychus* and its mysterious cousin was likely reduced. Because the arms were actively used for hunting (Ostrom, 1969), the feathers along the manus would have probably disappeared and arm feathers would have been reduced as well. Tail plumes are still likely, but ostriches and other large flightless birds may be our best analogue for plumage in Megaraptors. Like their distant ratite cousins, *Deinonychus* and *Utahraptor* would have spent no time at in the trees, even at a young age. Their robust build and specialized slicing claws would have prevented that. Although these animals were more than able to take down larger prey, but they were not in direct competition with each other, as *Deinonychus* lived in Montana while '*Utahraptor*' lived in Utah. Megaraptors did not survive long, though, having disappeared by the Early Cretaceous.

### **Reasons for the Dromaeosauridae**

An important question is this: how were these ancestral near-birds (dromaeosaurids) able to "devolve" from four-winged tree gliders to terrestrial predators? The answer, of course, is that prim-

itive dromaeosaurids were not too far removed from their theropod ancestors. Becoming flightless after only just getting off the ground is not a phenomenal feat. I suggest that, as an incredibly early avian, '*Tetrapterornis*' still had all the important dinosaurian features that would facilitate life on the ground. Indeed, if not for the hindwings of early dromaeosaurs, these animals could have easily enjoyed terrestrial life. Therefore, as more advanced true birds such as *Confusiosornis* and *Cathayornis* took over the arboreal niche, dromaeosaurids were forced back to the ground, which they were more than able to do. Some forms became specialized trunk climbers, like *Microraptor*, but for the most part the group found it prudent to leave the canopy entirely. Luckily for them, there was little or no predatory competition back on terra cotta. In *Sinornithosaurus*' case, it was the largest predator of its environment and would have been able to hunt herbivorous dinosaurs like *Caudipteryx*, *Beipiosaurus*, and *Psittacosaurus*. If early dromaeosaurids engaged in pack-hunting behavior, their place as apex predator would have been unquestioned.

In *Velociraptor*'s Mongolian early Late Cretaceous home, it had competition only from one or two troodont genera, and its favorite meal was apparently *Protoceratops* (Barsbold, 1983). It would seem unlikely that troodonts had the same diet as dromaeosaurids, and it is possible that they were omnivorous to some degree. Oddly, *Bambiraptor* lived alongside troodonts, hadrosaurs, ceratopsids, and tyrannosaurs. With competition from large *Daspletosaurus*, it is unlikely that *Bambiraptor* would have feasted on hadrosaurs, although it may have specialized in going after juvenile duckbills and ceratopsians. *Dromaeosaurus* faced similar problems in Alberta, going up against the small tyrannosaur *Albertosaurus* and the gracile *Troodon*. The Canadian raptor probably employed the same tactics as its Montana relative.

The Megaraptors obviously hunted big game (Ostrom, 1969; Kirland, 1993; Paul, 1988). During the Early Cretaceous, tyrann-

nosaurus had not yet evolved to compete with *Deinonychus* and “*Utahraptor*” (North American tyrannosaurs are a uniquely Late Cretaceous group). It is odd that these animals could not adapt and win an evolutionary battle with the tyrannosaurs during the Late Cretaceous. Perhaps the advent of ceratopsians, hadrosaurs, and ankylosaurs early in the Late Cretaceous had an adverse effect on Megaraptors, who would have been used to hunting iguanodonts during the Early Cretaceous. Perhaps tyrannosaurids were better able to deal with these new prey types than large dromaeosaurs, although the reasons why are unclear.

### The *Rahonavis* Problem

*Rahonavis*, the paradoxical taxon from Madagascar, presents a phylogenetic problem. With six sacral vertebrae, an archaeopterygian tail and similar flight apparatus, and a *Velociraptor*-style sickle claw, the fossil is difficult to classify. Luckily, another *Rahonavis*-type bird has been discovered in China. This bird is *Jeholornis prima* (Zhou & Zhang, 2002), a creature more advanced than *Archaeopteryx* but less so than *Confuciusornis* (the earliest beaked bird with a pygostyle). Most importantly, *Jeholornis* exhibits many similarities to *Rahonavis* that may imply a direct relationship. First, *Jeholornis* has at least 20 caudal vertebrae, comparable to *Archaeopteryx* and similar in number to many early dromaeosaurids (Paul, 2002). The animal’s furcula is boomerang-shaped, unlike the Y-shape characteristic of enantiornithes. This furcula shape is seen in both *Archaeopteryx* and many maniraptors including dromaeosaurids and oviraptorosaurs (Paul, 2002; Norell & Makovicky, 1997). The arms are longer than the legs by about 20 percent, greater than the first bird but comparable to the enantiornithine *Longipteryx* (Zhang, et al, 2001). The authors and myself note that the pelvis bears an uncanny resemblance to *Rahonavis* (Fig. 11). *Jeholornis* also features a hypertrophied sickle claw as in *Rahonavis* and dromaeosaurids. It is unknown whether or not *Jeholornis* has

uncinate processes, and their presence is unknown in all enantiornithes except for *Longipteryx* (Zhang, et al, 2001). Their spotty record is probably a result of preservation bias. Interestingly, *Jeholornis* does not have a fused scapularcoracoid. The coracoid itself is more primitive than those of enantiornithes.

If I am correct in asserting that *Jeholornis* and *Rahonavis* are considered a monophyletic group, the Rahonaviidae, then they must have branched off after dromaeosaurids but before confuciusornithids as their flight apparatus is more advanced than both archaeopterygians and dromaeosaurids (Forster, et al, 1998; Zhou & Zhang 2002). *Jeholornis* has also lost most of its teeth and those that remain resemble *Gobipteryx* (Zou and Zhang, 2002). The skull of *Rahonavis* (indeed, most of the skeleton) is unknown, but the presence of a raptorial claw (see below) is not necessarily indicative of a carnivorous habit, as shown by seed-eating *Jeholornis*. A short list for now, synapomorphies of the “Rahonaviidae” include a long bony tail without dromaeosaurid-grade prezygapophyses, more advanced wings than either archaeopterygians or dromaeosaurids, and a hypertrophied raptorial claw.

### The Raptorial Claw

The famous sickle claw, which gave Montana’s *Deinonychus* its name, is traditionally a diagnostic characteristic of the Dromaeosauridae. However, the claw is not fully developed in early dromaeosaurids (*Tetrapterornis*, *Microaptor*) or rahonaviids. In a trunk-climbing animal, such a killing claw would hardly make sense, as the diet of tree-dwelling carnivores would probably consist of insects and small vertebrates. Plus, finding a sickle claw on the seed-eating rahonavid *Jeholornis* further dampens the weapon theory. In the Dromaeosauridae, the claw was undoubtedly used for dispatching big game, as the claw itself became hypertrophied far beyond what is seen in *Rahonavis* or *Sinornithosaurus*. If the Dromaeosauridae left the trees for life as terrestrial carnivores, a

deadly claw weapon would be an amazing advantage. Injuries sustained to the second toe, probably by overextension, have shown up in the fossils themselves, proving that these animals were actively using their sickle claws (Hanna, 2000). However, I believe this function may have been arrived at secondarily. So then, what was the original use for the sickle claw in primitive trunk-climbers?

Modern trunk-climbing birds, like the woodpecker, have evolved new methods of climbing up trees without the use of their arms. Many have reversed another toe, making an X-shaped print, and in the case of the woodpecker, the tail feathers have become short and rigid, forming a base for the animal to lean on (Shipman, 1998). Dromaeosaurids and Rahonavis had neither of these adaptations, and so had to climb tree trunks another way. I suggest that the sickle-claw evolved before the pygostyle of confuciusornithids and entantiornithes. A hyperflexible toe equipped with an enlarged claw could have acted as a hook-and-spike tool to gain a more secure foothold on tree trunks. Greg Paul has asserted that *Archaeopteryx* itself displays a slight degree of hyper-flexibility in the second toe (1988), but its second claw is not enlarged (Fig. 12). This may be of little importance to *Archaeopteryx*, however, as its habitat lacked tall trees to clamber up (Paul, 2002; Shipman, 1998). I suggest this hook-and-spike method of tree-climbing was practiced until the advent of the pygostyle and a more advanced reversed hallux, exemplified by *Sinornis* (Sereno and Chenggang, 1992), *Iberomesornis* (Sanz and Ortega, 2002), and *Omnivoropteryx* (Czerkas & Ji, 2002b). The elongate, stiff tail seen in dromaeosaurids (which is mobile only at its base) could have effectively acted as a base while trunk-climbing. On modern bald eagles, the second toe and claw are extremely robust in comparison with the other two forward-facing toes. While the function of a sickle claw on an eagle is probably for capturing fish, it is interesting that this traditionally dromaeosaurid feature turns up even among modern birds.

### Evidence for Flightlessness in Dromaeosaurs

Many have contended that while raptors are structurally similar to birds, none of them could actually fly because their arms were too short and their bodies were too large. Indeed this is true for later dromaeosaurs such as *Velociraptor* and *Deinonychus*. Primitive forms, however, such as *Cryptovolans* and *Microraptor* possessed arms comparable to *Archaeopteryx* (Czerkas, et al, 2002; Xu, et al, 2005), and the latter had a smaller body size than the first bird (Xu, et al, 2000). Arm reduction is one of the first signs of flightlessness, as seen in ratites, neognathes, phorusrhacoids, and several island birds (including New Zealand's bizarre kakapo) (Paul, 2002). Modern avians that are approaching flightlessness include the turkey and the roadrunner. In all examples, arm length has degraded severely. This phenomenon can be clearly seen in the raptor dinosaurs — '*Tetrapterornis*' has proportionately the longest arms of any raptor while *Deinonychus* has the shortest (Fig. 15). Another important reduction occurs in the sternum, where the plate degrades in fusion and size, and the number of sternal ribs is reduced (Paul, 2005). Both of these features become progressively more atrophied in later dromaeosaurs compared to earlier ones. Remember that '*Tetrapterornis*' has a unified sternal plate (Xu, et al, 2005), while all other dromaeosaurs have paired plates. The Megaraptors have reduced plates and a reduced number of sternal ribs (Paul, 1988; 2002).

Further evidence for flightlessness comes from the feathers (fig. 14). Ancestral dromaeosaurs have asymmetrical pennaceous vanes ('*Tetrapterornis*', *Cryptovolans*) (Norell, et al, 2002; Xu, et al 2005), while later members have symmetrical feathers (*Microraptor*) (Xu, et al 2000) and still later raptors have tufted feathers like those of ostriches (*Sinornithosaurus*) (Xu, et al 2001). When animals stop flying, their feathers degrade from asymmetrical to symmetrical to tufted. The reason modern ratites are not quite as smooth as songbirds is that their feathers lack barbules, do

not hook together, and therefore form more of a fluffy coat than an aerodynamic system. I interpret this as the same with dromaeosaurids. As the ancestral feather morphology for dromaeosaurids is asymmetrical, a degradation toward tufts (from '*Tetrapterornis*' → *Sinornithosaurus*) and eventually a major loss of body insulation in response to an increase in body size (Megaraptors) is predictable.

Interestingly, I have noticed that the skulls of dromaeosaurs become progressively less aerodynamic as well. While this may not be a conclusive character to investigate dromaeosaurid relationships, it is worth noting (fig. 15). While the tops of *Archaeopteryx* and *Sinornithosaurus*' skulls slant strongly downward from the top of the orbit toward the naris, the skull of *Dromaeosaurus* is nearly horizontal.

### **A Puzzling European Raptor**

Known from extremely scrappy remains, *Pyroraptor olympius* was described by Allain and Taquet (2000). This fossil, from the Maastrichtian of France, appears to be a dromaeosaurid based on pedal and limb bones, a few vertebrae, and some teeth. If this specimen truly belongs in the Dromaeosauridae, then it represents a raptor that developed flightlessness independently of the Chinese forms. That is, to get to Europe (most of which was underwater during the Mesozoic; Ellis, 2003) the animal would have had to have flown and became flightless once it reached the European archipelago. This is analogous to ratites, which are assumed to have become flightless several times on different continents (the ostrich in Africa, the rhea and cassowary in Australia, and the kiwi in New Zealand), yet they still form a natural group. Should *Pyroraptor* also be a dromaeosaurid, it advocates a similar evolutionary path for the raptor dinosaurs.

### **A New Phylogeny of the Dromaeosauridae**

The evidence suggests that dromaeosaurids form an early,



experimental branch of avian evolution. They are more advanced, skeletally, than *Archaeopteryx*, yet lack many distinctly avian features such as a fused metatarsus; severely reduced tail; anteriorly fused dentaries; and posteriorly situated nares. This interpretation, however, poses a problem: if dromaeosaurids are no longer non-avian dinosaurs, but are not entirely avian, where do they fit in? As raptors do share certain key features with modern and fossil birds, such as uncinat processes and ossified sternal ribs, they are probably a sister group to the Aves (fig. 16). The following classification scheme recognizes many new groups, with are marked with an asterisk (\*). This sister group, which includes the raptors plus the Aves is the Avemorpha.\* Among other things, these two groups share the two above skeletal features plus a broad, unified sternal plate (lost in all Dromaeosauriformes) and asymmetrical pennaceous feathers. The most inclusive dromaeosaurid clade, including the Tetrapteryxidae\* plus all later dromaeosaurid genera is the Avenychia\* (etymology: clawed birds in reference to the diagnostic enlarged second pedal claw). *Microraptor zhaoianus*, plus all later dromaeosaurids, comprises the Enantiavenychia\* (etymology: opposite clawed birds for the numerous regressions found in this group). The next node down includes *Sinornithosaurus* plus the classic raptors and is termed the Dromaeosauridae. All of the familiar dromaeosaurid genera, from *Velociraptor* to 'Utahraptor' are within the Deinonychosauria. Exactly where *Bambiraptor* fits between *Sinornithosaurus* (is it a sister genus?) and the Dromaeosauridae (is it an outgroup?) has not been resolved.

The remaining raptors comprise the two subfamilies of the Deinonychosauria. *Velociraptor* and its cousins (such as *Saurornitholestes*, which may be a Canadian *Velociraptor*) are velociraptorines, while *Dromaeosaurus* plus the Megaraptors are in the Dromaeosaurinae. Finally, familiar *Deinonychus* and *Utahraptor* are in their own special group: the Megaraptora.\* The Rahonavidae, if it proves to be a valid taxonomic group, would be an early offshoot

of the Avialae (confuciusornids, enantiornithes, and neornithes) as *Jeholornis* shares many key adaptations with that group not found in the Avenychia or *Archaeopteryx* including: overcompensation of wing length; perching-grade reversed hallux; and loss of maxillary teeth. Although both *Rahonavis* and *Jeholornis* have elongated chevrons and prezygopophysis as in dromaeosaurids, the tail is not immobilized by ossified tendons as in dromaeosaurs. The idea that dromaeosaurids are not a sister group to birds but are themselves birds has recently been supported by Czerkas, et al (2002), although those authors have their own unique interpretation.

### Alternatives

My views are not widely shared regarding the placement of the dromaeosaurids. Xu, et al (2003) envision the ancestor of dromaeosaurids, troodontids, and birds to have all had four wings, and that the hindwings were lost in later dromaeosaurids, later troodontids, and all birds. This hypothesis seems dubious, because it means that the tetrapteryx design failed in not just one group, but in three. Also, fossil evidence contradicts the theory. No troodontids have ever been found with integument of any kind (although none have been found as slab fossils, either, so the absence of feathers on troodontid fossils is not evidence for their absence in the living animal), and no bird fossil has been found with a hindwing, either. It seems far more parsimonious to assert that the four-winged configuration is a family-level specialization that was, ultimately, lost, but worked for the animals that had it at the time.

Prum and Brush (2005) have devised a theropod family tree based not on strict cladistics but on feather morphology. Obviously this is problematic because integument is not known, or not known *well enough* (i.e. alvarezsaurids) to facilitate a phylogeny based on this character alone. In their analysis, known fossil forms with modern feathers, such as *Cryptovolans*, were seemingly

ignored, and skeletal morphology was likewise not taken into consideration. In addition, not only are dromaeosaurids more primitive than *Archaeopteryx*, but the intraspecific details of raptor phylogeny are seemingly wrong as well. For example, *Microraptor* is shown to be closer to the Dromaeosauridae than *Sinornithosaurus*. Although their conclusions of feather development and evolution are sound (Prum and Brush, 2002), their application of this concept to theropod systematics is premature.

Czerkas, Zhang, Li, and Li, based on *Cryptovolans pauli* and the newly unearthed arboreal saurischian *Scansoriopteryx heilmanni* (Czerkas & Yuan, 2002), have proposed that dromaeosaurids are not only birds, but that the avian lineage diverged from the saurischian branch prior to true theropods (but post-sauropodomorph). The authors assert that true theropods are secondarily terrestrial, and that the common ancestor of both birds and theropods was arboreal. The whole of the Maniraptora is moved from the Theropoda to the Aves, much like it is according to Paul, although doing this would mean that familiar genera such as *Oviraptor* and *Troodon* are no longer theropods, but flightless birds. These finer points require more discoveries (*Scansoriopteryx* adults would be particularly illuminating) but if this view turns out to be valid, it would answer innumerable nagging questions regarding “theropod” evolution and behavior. Regardless of where Maniraptors end up in the family tree of the Dinosauria, however, Czerkas et al (2002) and I seem to agree that raptors really are birds. My main point of disagreement is what kind of wings they started out with and how the group itself evolved.

A brand-new paper by Senter et al. (2004) independently came to many of the same conclusions I have. The authors actually come to many surprising but welcome conclusions regarding maniraptor phylogeny. They consider *Incizivosaurus* to be the same animal as *Protarchaeopteryx*, based on dental and premaxillary detail. Because the name *Protoarchaeopteryx* has priority, “*Incizivosaurus*”

must unfortunately be discarded—though I consider that name the more appropriate one. Senter et al. also consider *Microraptor zhaoianus*, *Microraptor gui*, and *Cryptovolans pauli* to be the same animal, and that *M. zhaoianus* has priority. I had suspicions that *M. gui* and *C. pauli* may be the same animal, but I also think that enough differences exist (detailed above) between it and *M. zhaoianus* to warrant separate genera. Under my own classification, *M. gui* and *C. pauli* would both become '*Tetrapterornis*' *gui*. Surprisingly, the authors assert a ornithomimid-troodont relationship, moving troodontids out of the classic Deinonychosauria, into the Bullatosauria, and out of the bird-ancestor running. I strongly disagree with this reclassification. Finally, Senter et al. consider *Sinovenator* a basal dromaeosaurid instead of a troodont! While this is an exciting possibility, I believe their evidence is preliminary.

While the authors also do allow the possibility that dromaeosaurids had flying ancestors (which is a step in the right direction), they still do not consider raptors to be birds, citing numerous skeletal differences that I see as reversals. To their credit, however, Senter et al. do consider *more* dromaeosaur or possible dromaeosaur species including *Adasaurus* and *Unenlagia*, so the scope of their research far engulfs my own. Only time, and more fossil remains, will tell who (if either of us) is closer to the truth.

### Raising Questions

This new phylogeny raises a few interesting questions. First and foremost, the placement of the Troodontidae, which has recently been shown to be a sister group to the Dromaeosauridae, is at risk. In their description of *Sinovenator*, Xu, et al (2002) noted that the basal troodontid shares several features with *Microraptor* and *Sinornithosaurus*. This may mean that the Troodontidae is a specialized branch of dromaeosaurid. Troodonts and dromaeosaurs are closely related, differing mainly in the skull (especially the teeth) and, in later troodonts, the pelvis (Xu, et al 2002b;

Norell, et al, 2000). The lifestyle of troodontids is still very much up in the air, but it would seem that their habits differed substantially from raptors. Tellingly, the raptorial claws of all troodontids, although enlarged, never hypertrophy like those of the Megaraptora. The very fact that troodontids have a small raptorial claw may reflect a close relationship between themselves and small-clawed, primitive terrestrial dromaeosaurids. Of more interest are the incredibly birdlike features of the oviraptorosaurs, which display highly pneumatic skulls, uncinat processes, and (at least in one case) pygostyles (Norell, et al, 1995; Clark, et al, 2002; Barsbold, et al, 2000). Whether or not these creatures are closer to birds than dromaeosaurs is not clear, but Maryanska, et al 2002 have presented convincing evidence that oviraptoroids are, in fact, closer to birds than *Archaeopteryx*. Recent discoveries have bolstered that idea (although *Incizivosaurus* — I mean *Protarchaeopteryx* — is problematic; Xu, et al, 2002a). If Maryanska, et al (2002) are correct in asserting that oviraptorosaurs are avians, then they are more advanced than dromaeosaurids. This may be the case, as several oviraptorid genera have toothless, cassowary-like skulls, extremely reduced forelimbs and stout hands as well as abbreviated tails. Alvarezsaurids have often been cited as primitive, flightless birds (Altangeral, et al, 1995; Chiappe, et al, 1998), but their final placement in the theropod family tree is far from certain (Suzuki, et al, 2002). Finally, the question of “who are the *bird’s* ancestors?” may soon be put to rest if *Scansoriopteryx* adults are discovered.

### Conclusions

This new phylogeny puts to rest the notion that birds are *not* derived dromaeosaurids or near-dromaeosaurids as has been contended in the past, but that instead dromaeosaurids are *birds*. It also reveals a new intraspecific phylogeny and a greater understanding of the dromaeosaurids, and to a greater extent, avian evolution. The idea that raptors could be birds should not be entirely

surprising. After all, phorusrhacoids in South America re-evolved manual claws after being separated from the main dinosaur lineage for millions of years (Paul, 2002). Therefore, if we ask ourselves what flightless birds would look like had they *just branched off* from the main theropod lineage (or the early avian lineage), we might very well come up with a creature resembling a dromaeosaur.

This suggests that basal dromaeosaurids were not only the most avian of their family in design, but that the group lost or reduced many birdlike features very quickly, implying that the “tetrapteryx” experiment in avian flight was a failed one. Instead, dromaeosaurids may have found it more advantageous to take over the absent role of terrestrial predator, a niche to which they were quickly able to adapt. Over time, these animals lost their arboreal tendencies altogether in favor of a wholly ground-based existence. To a casual Cretaceous observer, the avian heritage of *Deinonychus* would have only been noticed based on its extensive feather coat. While the great Megaraptors were short-lived and restricted to the Early Cretaceous, smaller raptors like *Velociraptor* and *Dromaeosaurus* were able to survive until the end of the Mesozoic. If nothing else, dromaeosaurids show that the path to avian flight was not a straight line, and that if dinosaurs can become birds, birds are more than able to go back to being dinosaurs.

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## Figures

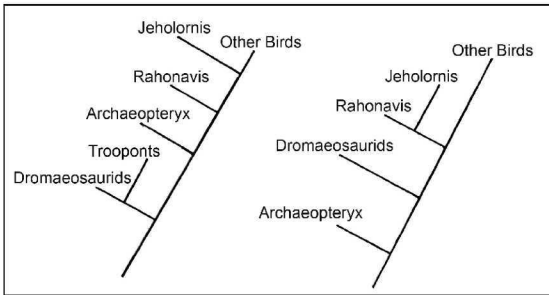


Figure 1. The traditional (left) and the author's revised (right) placement of the dromaeosaurids in relation to birds. Also note that according to the author's new scheme, *Rahonavis* and *Jeholornis* form a natural group, the Rahonavidae. This point is covered in more detail later in the main text.

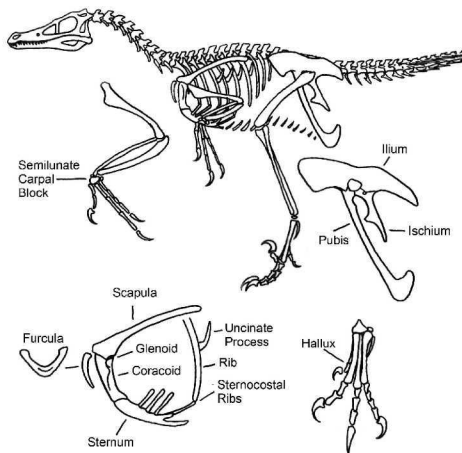


Figure 2. Important elements of a generalized dromaeosaurid skeleton. Note the especially birdlike pectoral girdle and strongly angled wrist. The scapularcoracoid is only fused in '*Tetrapterornis*' and *Cryptovolans* (see Fig. 6). Unless otherwise noted, all illustrations are by the author.

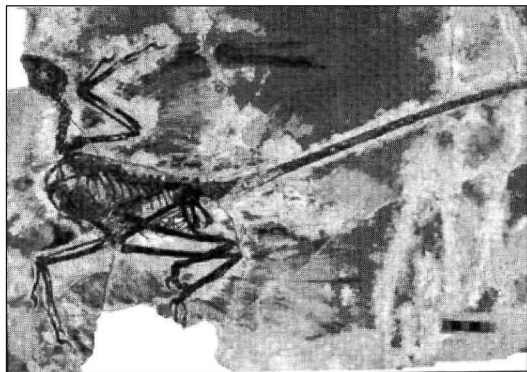


Figure 3. *Microraptor gui*, IVPP V13352 (Xu, et al, 2003). Note impressive length of metatarsal's asymmetric pennaceous vanes, arm length, and immobile thumb. Morphologically, this animal is similar to *Cryptovolans pauli* but better preserved. Scale bar is 5 cm.

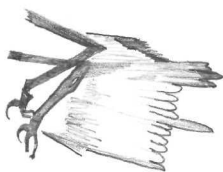


Figure 4. Sketch showing detail of metatarsal pennaceous feathers of *Microraptor gui* IVPP V13352 (Xu, et al, 2003). Note substantial length of primaries and the presence of coverts near the metatarsals themselves.

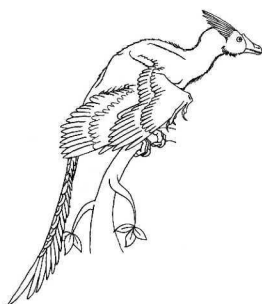


Figure 5. Life restoration of *Microraptor gui*. Keep in mind that under the author's new classification, this animal's name has been changed to '*Tetrapterornis gui*.' Whether or not this animal could perch is uncertain. How would have dealt with "wings" on its legs is likewise a mystery.



Figure 6. Simple reconstruction of the scapularcoracoid of *Cryptovolans pauli* (after Czerkas, et al, 2002). Length of entire bone is just under 5 cm.

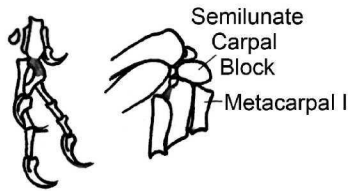


Figure 7. Right pes of *Microraptor zhaoianus*, CAGS 20-8-001. Simplified from Hwang, et al, 2002. While the third digit is clearly displaced, the hallux cannot be because the claw passes underneath the second digit.



Figure 8. Life restoration of *Sinornithosaurus millenii*. The exact length of the feathers along the arms is unknown but may have been much shorter. Note the raptorial claw is not yet hypertrophied.



Figure 9. Life restoration of *Deinonychus antirrhopus*. Note reduced arm length and hypertrophied raptorial claw. This animal has regressed completely from the trees.

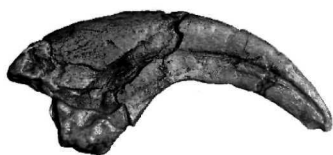


Figure 10. *Utahraptor's* raptorial claw. This enormous weapon reaches over ten inches on the outer curve when the keratin sheath is added.



Figure 11. The pelvic girdles of *Jeholornis* (left) and *Rahonavis* (right) compared. Not drawn to scale. Pubis length in *Jeholornis* is approx. 5 cm. Pubis length in *Rahonavis* is approx. 4 cm.

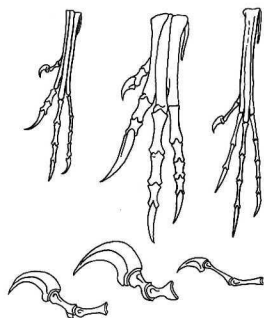


Figure 12. The pes and raptorial claws of *Rahonavis* (left), *Deinonychus* (center), and *Archaeopteryx* (right) compared. Not drawn to scale. Simplified from Paul, 2002.

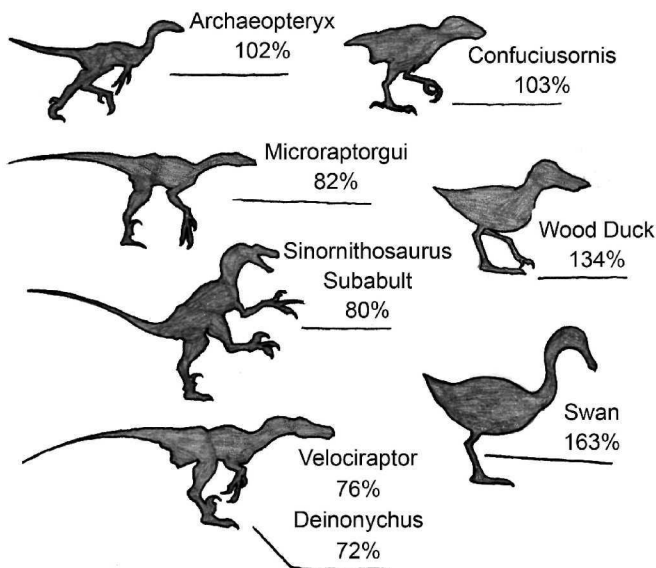


Figure 13. Arm reduction in birds. Percentages given refer to length of forearm in relation to hindlimb. For example, in *Velociraptor*, the entire arm (including the hand) is 76 % the length of the hindlimb. Limb length in each case was calculated by the author using either the actual fossil, photographs of the fossil, or, in the case of *Velociraptor* and *Deinonychus*, a reliable skeletal restoration (Paul, 2002). For the wood duck and swan, mounted skeletons were measured.

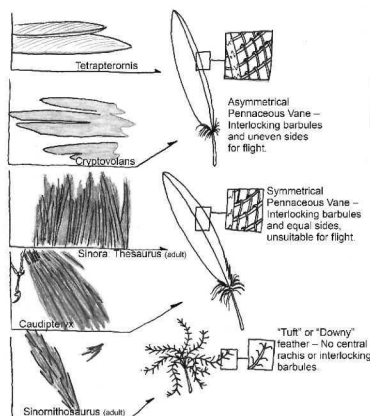


Figure 14. Feather degradation in birds. The most primitive raptors also have the most advanced feathers. '*Tetraopterornis*' and *Cryptovolans* have asymmetrical pennaceous vanes, where the feather itself has a narrow leading edge and a broad trailing edge. *Sinornithosaurus* and the oviraptorid *Caudipteryx* have symmetrical pennaceous vanes, which are unsuitable for flight but are still have an interlocking barbule system for keeping the feather strong and rigid. Finally, almost all feathered dinosaurs have "tuft" or "downy" feathers, in where there is no central rachis or interlocking barbules. These feathers seem to be used primarily for insulation. Sketches of fossil feathers are based on photographs of the specimens themselves. Not drawn to scale.

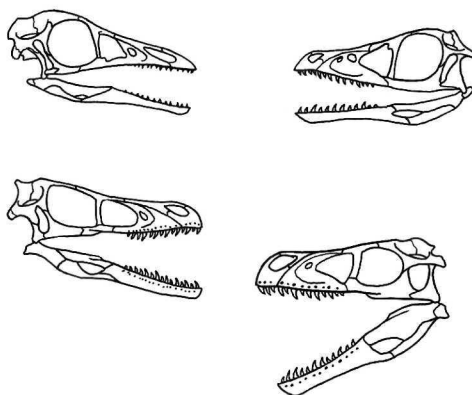


Figure 15. Skull restorations of early birds. From top to bottom, *Archaeopteryx*, *Sinornithosaurus*, *Velociraptor*, and *Dromaeosaurus*. Simplified from Paul, 2002. Note progressive loss of aerodynamic shape toward more support for the tooth row. Drawn to same length.



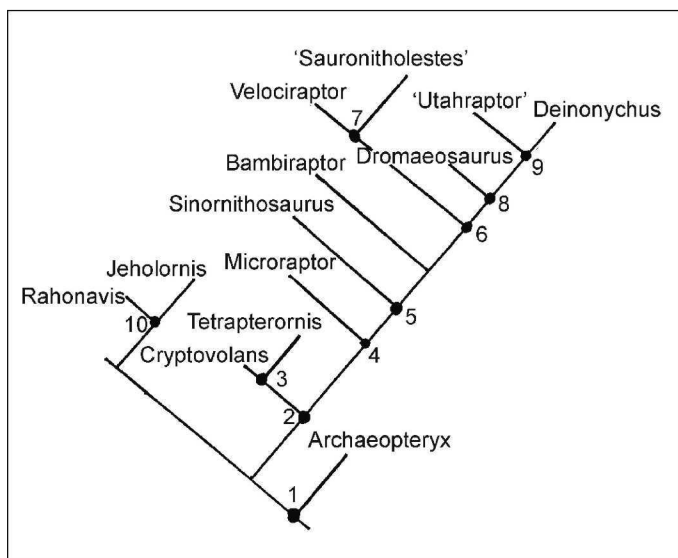


Figure 16. A new phylogeny of the Dromaeosauridae. The nodes are labeled as follows, many of which are new taxons: 1. Aves. 2. Avenychia. 3. Tetrapteryxidae. 4. Enantiavenychia. 5. Dromaeosauridae. 6. Deinonychosauria. 7. Velociraptorinae. 8. Dromaeosaurinae. 9. Megaraptora. 10. Rahonaviidae.



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# United States Land Laws in Alaska 1867 – 1912

*Elaine Nefzger*

Geomatics 457: Advanced Boundary Law  
Mr. Steve Buchanan, Instructor

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## *Forward*

The history of Alaska as a part of the United States has been a much-studied subject. This report takes another look at the topic from the land surveyor's interest and examines implementation of the laws for obtaining title to land from the time of purchase in 1867 until Alaska became a territory in 1912. When the act to create the Territory of Alaska was passed by Congress, they included a section requiring themselves to assemble all past legislation specific to Alaska into a single document. This book, *Compiled Laws of the Territory of Alaska – 1913*, was published by the Washington Government Printing Office in 1913. It is a primary resource for anyone tasked to research, evaluate, and apply those early Federal Laws. Two copies are held in the University Library.

This report was originally written as a project to assemble important historical documents as a resource for those who need to research Alaska's early land laws. The appendices contained copies of the referenced material in whole. These have been excluded or distilled to meet the submittal restrictions (35 pages) for this journal. Readers who wish to review the project in its entirety should contact the Student Showcase committee. They can

obtain the materials from the author.

A review of Alaska's history in general brings the subject into context with the situation and the politics of the late nineteenth and early twentieth centuries. Several pertinent, original documents are cited directly. The Governors' reports from the District of Alaska are invaluable for capturing both the mood of the people and the practical difficulties encountered in implementing Federal Laws that might otherwise be assumed to have served the district quite well.

Annual reports were required of those men appointed to serve as Governor of the District of Alaska subsequent to the Organic Act of 1884. The theme of under-funding is a common thread through the many reports. These gentlemen were learned regarding the legal system and its workings, the common practices for governing in the United States, and most importantly the reality of living in Alaska. They knew first-hand how the Acts of Congress effected (or did not) the people of Alaska. Their pride and dedication is reflected in the District Seal, pictured here.



This report traces the evolution of land laws and the evolution of Alaska. It attempts to explain a small sliver of our past so that we may better understand the current situation, particularly as it applies to survey professionals working in Alaska.

## Purchase Agreement

This check was written from the United States Treasury to Russia on August 1, 1868 to pay for the purchase of all interests in the land area



now known as Alaska. Although many argue that the only interest Russia held in concurrence with the Alaskan Natives were the few coastal locations used for trade, missions, and ports, a formal agreement with England established a border between Canada and the region then called Russian-America. This boundary line had been defined by England and Russia in their 1825 treaty. The description was included in the cession treaty between Russia and the United States:

*Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean. That the island called Prince of Wales Island shall belong wholly to Russia. Whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west*

*longitude, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.*

Russia clearly believed she owned the entirety of the mainland and islands from this boundary west to Siberia and that the land was hers to sell. The location of the eastern border 'on the ground' from this written description was problematic. In some places no mountains existed and the border was in dispute although at least one Russian monument had been placed to mark a point 'ten marine leagues from the sea' on the Stikine River. The meridian had never been located on the ground. Explorers, miners, settlers, the military, and seafarers from the United States and Canada did not know where the international border lay. The ambiguity in such a vast and remote location did not immediately pose a problem. So few traveled to the region that actual disputes were insignificant. Plenty of room and abundant resources were available to all who ventured there.

The western boundary was not subject to this controversy and was described in the treaty as:

*The western limit within which the territories and dominion conveyed are contained passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern of Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway*

*between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.*

In addition to the land, public buildings, schools, and fortifications were sold and designated as public property of the United States:

*In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property.*

The last phrase makes it clear that the cession treaty exempted some lands and property that Russia considered owned by private parties. Secretary of State Seward had added \$200,000 to the original agreed price of \$7,000,000 with the stipulation that Russia warrant the land free of all encumbrances and reservations except the few small lots which had been granted to individuals.

*The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other; or by any parties, except merely private individ-*

*ual property-holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.*

The Russian-American Company had held three consecutive 20 year monopoly licenses from the Russian Czars and had been empowered to confer grants, franchises, and licenses in the name of the Czar. The United States wanted assurance that the third parties who held various privileges would not have grounds to claim that their rights transferred to the United States or were appurtenant to the land. The Russian royal policy toward Alaskan Natives had been one of benevolent protection. Exploration and the fur trade began along the Aleutian Islands and the southeast coast in the latter part of the eighteenth century after the famous 1741 voyages of Vitus Bering as Captain of the *St. Peter* and Aleksey Chirikov commanding the *St. Paul*. Early Russian explorers and hunters who were fierce enough to take their risk for riches facing rough seas in the relatively small and fragile ships of the day abused and enslaved the Aleuts to gain their cooperation in the harvest. Tsarina Catherine the Great mandated that Natives would not be mistreated. She had no means to enforce this rule. In 1794 the first Russian Orthodox Mission was built in Kodiak.



Russian Church, Kodiak, (Date unknown)  
<http://memory.loc.gov/mss/amrvm/vmh070r.jpg>

The Russian Emperor Paul I had charged the Church with the protection, conversion, and education of the Natives. Among other things, the priests were to teach Russian and Christianity to the Natives and translate the Bible and other religious writings into their language. In order to do so, they had to invent a written form of the languages because none existed. During the century of Russian exploration and fur trade various settlements were established. Novoarkhangelsk (New Archangel) now known as Sitka was considered the most important of these. Curiously, Russia did not provide any element of protection for the Natives in the cession treaty. They left the matter entirely to the discretion of the United States:

*The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.*

This statement did not mean that existing federal laws applicable to American Indians were automatically adopted for Alaskan Natives. No federal legislation affected an area or group unless and until specifically enacted by Congress.

The purchase agreement did provide security for the white Russian people who had made their homes in the trading settlements. Many had married Native women and neither country wished to mandate that families should be torn apart or displaced when the ownership of the territory changed international hands. The Russian-American Company had granted small lots of land to many of these individuals totaling 20 in Sitka and one in Kodiak. Over 500 Russians resided in Sitka alone. All Russian, non-Native inhabitants could decide after three years if he/she wished to remain in Alaska and if so:



*..they shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.*



Diorama of New Archangel (Sitka) 1867  
[it.stlawu.edu/~rkreuzer/russians.htm](http://it.stlawu.edu/~rkreuzer/russians.htm)

The cession treaty provided that churches and missions established under Russian rule would be allowed to retain their property, but this did not include the land they were built on.

The treaty stated:

*It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory as may choose to worship therein.*

This personal property and the buildings belonged to the respective congregations.

### *United States in Russian-America*

Russian-America was officially transferred from Russia to the United States on October 18, 1867. The price was \$7,200,000 and at the time the area was estimated to be 589,000 square miles (now known to be approximately 570,377 square miles). Alexis Pestchouroff, Russian Commissioner and General Lovell H. Rousseau, United States Commissioner met with Russian-America governor, Prince Maksonoff, in Sitka for the official exchange. Together they performed an inventory. Rousseau sent it to Washington with a letter dated December 5, 1867. It was published in House Executive Document No. 125, Fortieth Congress, Second Session. The inventory categorized the properties as A: Public; B: Greco-Roman church buildings with no fee simple land; C: Buildings and land owned in fee simple by individuals; and D: Buildings owned by individuals with no fee simple land.

Not everyone in Sitka agreed that the purchase was legitimate. Rousseau commented in his report that one Native chief stated angrily:

*True, we allowed the Russians to possess the island, but we did not intend to give it to any and every fellow that came along.*

Many in the United States believed that the purchase was simply an excuse to give Russia a much needed financial boost. War was brewing between Russia and England. Russia feared it could not defend the Canadian-Russian border should England choose to invade and overtake the territory. The Canadian Hudson Bay Company had established Fort Good Hope on the Mackenzie River in 1804 and Fort Macpherson on the Peel River in 1840. In 1847 Fort Yukon and Fort Selkirk were built. All were used as trading posts to bring goods into northeast and central Yukon for trade

with the Han, Gwich'in, and Tutchone people. The Canadians held a strong presence as well as a strong trade alliance with these groups. Russia had no permanent settlements in the interior region.

The United States intended to discourage Russia from advancing in the North American Continent. The Monroe Doctrine of 1823 set the stage for the purchase by stating:

*...the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.*

American traders had been active in the Bering Strait as early as 1819 under Captain Gray. Although financed by Russia, these Americans would return to their homeland and encourage their fellow sailors to explore opportunities in Russian-America. American whalers first entered the Arctic in 1848 and saw the rich sea resources of the vast coastline. In 1845 an expedition headed by Sir John Franklin disappeared near Baffin Island. Between 1848 and 1854 the area was thoroughly searched by nine different vessels. The crews made contact with the coast Eskimos and traded firearms to them. They spent time in port at St. Michael, Port Clarence, Kotzebue, and Point Barrow. No doubt they returned with reports that travel was both possible and profitable to even the most remote coastline of Russian-America.

American business interest in the land called Russian-America was not limited to the sea. Perry M. Collins was the United States Consular Agent to Russia at Nikoiaevsk on the Amoor River in Eastern Siberia during the middle of the nineteenth century. He envisioned a telegraph line from San Francisco, up the coast, along British Columbia, across Russian-America, through Siberia, to Europe. The Western Union Telegraph Company accepted the

transfer of his concessions (licenses and rights of way) from Russia and England. Several attempts to lay a cable across the Atlantic had failed miserably and the industry was beginning to believe such a long marine cable was impractical. They thought it more feasible to build, maintain, and operate a longer but primarily dry land cable. Mr. Collins' vision began to materialize on March 18, 1864 when Western Union formed an organization to carry out the project.

During the following two years exploration parties selected a route. Construction began in 1866 for several segments built by as many crews. When the Trans-Atlantic Cable was successfully laid in 1867, the project was abandoned. Approximately \$14,000,000 of the \$30,000,000 proposed budget had been spent. Although it was entirely a loss in the business sense, a great deal of scientific, geographic, and general knowledge of the area had been gained. The powerful industrialists of the United States had gotten their first taste of Russian-America just as the purchase was finalized and the land was christened with her new name – Alaska.



Map showing Proposed Pacific Telegraph from San Francisco to Moscow.  
[www.archives.gov/records\\_of\\_congress/house\\_guide/chapter\\_07\\_commerce.html](http://www.archives.gov/records_of_congress/house_guide/chapter_07_commerce.html)

In a letter dated May 12, 1868 the Honorable Joseph S. Wilson, Commissioner of the General Land Office for the United States, gave his invited opinion of Alaska to the Committee of Foreign Affairs. He stated that the value of the land was great considering the whaling, fishing, fur, and mineral wealth. He further explained that much of Alaska would be habitable and suitable for gardening and farming due to warmth carried in by the Pacific Ocean currents. Even with this knowledge in hand so early on, Congress generally did not promote settlement of Alaska by extending land laws, or any other facilities that would inspire people to develop the land or commit to permanent residency. Perhaps still stinging from the criticism of their constituents for throwing over seven million dollars away on "Seward's Icebox," they were shy to set into motion the wheels of progress that would certainly require support and monetary appropriation. While Seward and his supporters saw the land as one of opportunity and riches, opponents believed it to be an uninhabitable "polar bear garden" and resented that resources might be taken from the developing continental states and territories at a time when the country was recovering from the destruction of the Civil War (1861 to 1865).

Subsequent to purchase, Alaska was designated a customs District. The Act of July 27, 1868 stated in Section 2 that Alaska was to be a customs district with a collector of customs stationed in Sitka, paid an annual salary of \$2500. The United States Secretary of the Treasury was given the responsibility for managing business in Alaska with a total annual appropriation of \$50,000.

The Treasury Department collected lease monies and customs fees from the Alaska Fur and Seal Company (later named the Alaska Commercial Company) which had formed from the prior Russian-American Company and carried on the fur harvesting and related business enterprises. This company leased the buildings, docks, and other properties along the coast. The whaling industry also thrived during this era, bringing additional riches to many

United States based merchants.

When General Jefferson C. Davis arrived in Sitka in 1867 with his company of 250 troops, he ordered residents out of their homes, claiming they were needed to house the American military. Assaults against the people by the military personnel were common and many exercised their option to return to Russia. Davis quickly became the unofficial ruler of coastal Alaska but the interior was not patrolled. Posts at Kodiak, Tongass, and Kenai were later closed leaving troops at only Sitka and Fort Wrangell. Although the military under Davis was mandated to keep the peace, his recruits were often the greatest threat to it. Drunkenness, abuse of resident whites and Natives, and 'shooting up the streets' were their common pastimes under the command of Davis and successive military officers.

In similar cases, such as the Louisiana Purchase, the United States Public Land System recognized and honored the prior land grants by foreign governments and did not dispossess inhabitants from their property. The treaty with Russia had provided that these people's land and property rights would be protected but there was no process for them to perfect their title and no meaningful local government.

The Act of 1868 had provided no legal system. Alaska was lawless and her people were defenseless. At least 537 citizens opted to return to Russia in 1867 and 1868.

By 1870, the population of Sitka totaled 391 former Russians and Creoles, about 1200 resident Natives, and 49 Americans (excluding military personnel). Immediately following the purchase Americans streamed into Sitka and the surrounding area. They attempted to start businesses with the optimistic point of view that permanent settlers would soon flow into the new land, but these entrepreneurs were transient. By the summer of 1873, the population had dwindled. With no means to secure title to land, no settlers had come to invest their time and labor in developing homes

and farms.

In the 1870's a general search for minerals in the territory began, and interests in biology, ethnology, and geography as well as geology brought many expeditions to the Arctic. In 1872 gold was discovered in the Cassier region near Dease Lake and the creeks flowing into the lake. The area boomed with a small rush of miners in the following three years.

In 1877 Sheldon Jackson came to Alaska as a Presbyterian missionary and teacher. He returned to the United States during subsequent years to tour the churches telling of his experiences in Alaska, raising money to support the work, and recruiting young ministers. He was instrumental in prodding the federal government to create the 1884 Organic Act so that Alaska could have a system of law. He even helped to craft the language. One of his primary goals was to gain monetary support from Congress for education in Alaska.

The first salmon cannery began in 1878. It quickly became an important industry that rivaled the faltering fur business. All of these activities: the fur trade, military presence, whaling, exploration, prospecting, fishing, and mission work brought an influx of people for different purposes to different regions who would return to the United States to either encourage or discourage their peers.

The lack of coast surveys, lighthouses, and good navigational maps made trade and travel risky and expensive. Yet in 1880, the Alaska Commercial Company paid a 100 percent dividend to its stockholders. The development in Alaska was growing slowly and in spite of a general lack of support from the federal government.

The 1897 report to Congress by Governor John G. Brady of Alaska, best summarized the status of Alaska between 1867 and 1884:

*At the time of the transfer of Alaska to the United States by Russia in October, 1867, this vast region was placed under*

*the military department of the Columbia and General Jeff. C. Davis, with three companies of troops, was placed in charge. They were stationed at Port Tongas, Fort Wrangell, Sitka, Fort Kenai, and Kodiak.*

*Customs were collected from the first by revenue officers, but Congress, on July 27, 1868, passed a law organizing the whole purchase into a customs collection district and by the same act the importation and sale of firearms, ammunition, and distilled spirits were prohibited. This state of affairs continued until June, 1877, when the order came to withdraw the last of the forces from Alaska.*

*After the withdrawal of the last troops, the care of this immense area was cast upon the Treasury Department. For nearly a year the whole business was in the hands of the deputy collector. By the way of preparation, two cases of rifles and two cases of ammunition were shipped to the collector's office at Sitka.*

*The Treasury Department began to feel that Alaska was very much of a white elephant or was at least a worthless and watery waste; and indeed the chief of that department proposed to abolish the whole customs district.*

*The Natives became impressed with the idea that the whites who remained after the departure of the soldiers were not esteemed very highly, and consequently matters were brought to a climax in the spring of 1879, when a considerable portion of the Natives at Sitka armed and organized themselves and attempted to march upon the white settlement with the avowed intent of massacre and plunder. They were prevented by the timely interference of Annahootz and his Kokwanton supporters.*

*The inhabitants were thoroughly alarmed, and sent a petition to the authorities of British Columbia to send a man-of-war at once to protect their lives until they could obtain*



*protection from their own government. The Osprey was sent off at once and afforded the people protection until relieved by the USS Alaska.*

*From this time until the autumn of 1884 Alaska remained under the rule of the Navy Department. During these years the people felt more free, as life and property were more secure; but there was but little incentive to take hold of any resources of the country save that of furs. Some attention had been paid to mining near Sitka, and discoveries had been made near Juneau. No title could be obtained from the government.*

*In 1880 rich discoveries occurred on the main coast bordering on Gastinaux Channel. Some companies started enterprises in the fish industry.*

*But every effort emphasized the fact that Alaska was without any civil government.*

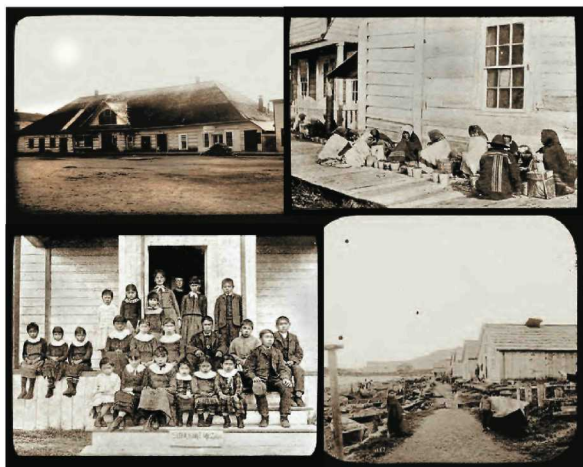
*At last Congress gave heed for a little while, and, on May 17, 1884 it passed what is known as the Organic Act. This makes the whole ceded territory into a judicial district, gives it a governor, district judge, attorney, clerk, marshal, four commissioners, together with a certain amount of deputies. The collector of customs and his deputies are embodied as organized under the law of July 27, 1868.*

*Immediately after the occupation, American citizens attempted to acquire preemption rights to land at Sitka. The Department decided that –*

*Such claims and settlements are not only without the sanction of law, but are in direct violation of the provisions of the laws of Congress applicable to the public domain secured for the United States by any treaty made with a foreign nation; and, if deemed necessary and advisable, military force may be used to remove the intruders.*

*It is not easily understood how, during these ten years of military occupancy, the inhabitants of the ceded territory could be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, as guaranteed under Article 3 of the treaty [of purchase from Russia].*

In this statement the governor referred to the lack of governmental structure in Alaska. The Russians who had remained after Alaska changed hands had no local authority with which to process their land claims under the cession treaty. Their attempt to comply with United States governmental procedure had met with the threat of violent displacement from their land. They no doubt believed it was better to sit quietly than draw attention to themselves as possible trespassers. Their only problem being that of defending themselves against individuals who may wish to take their land and homes by force.



Sitka, Alaska 1899 Harriman Expedition  
[ridgwaydb.mobot.org/mobot/archives/copyright.asp](http://ridgwaydb.mobot.org/mobot/archives/copyright.asp)

*1884 through 1900*  
*The Evolution of Land Laws*

Immediately after the Organic Act was passed in 1884, the appointed district governor called to Congress for a joint international survey effort to locate the border between Alaska and Canada and settle the ongoing dispute. This important effort did not begin until 1903. The actual survey work began in 1904 and concluded in 1914 east of McCarthy, Alaska.

A total of 21 private land claims existed for the original Russian owners protected by the cession treaty and documented by General Rousseau at the time of transfer. These were officially protected because the Russian-American Company had given the land to its employees prior to purchase. Twenty of these small lots were located in Sitka and one was in Kodiak. The total area was less than 100 acres. The Russian landowners had not been able to obtain legal title to their lands from the United States. They were squatters with preemptive rights and a legal treaty that endorsed their claims.

United States agents lived in government housing and businesses held specific federal leases – or they were squatters; in business and in their homes.

Alaskan Natives could not obtain official title to lands they had held and used for generations so they were legally considered squatters as well. The Organic Act provided that they and other persons residing in the district “shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them.”

There was no provision made for anyone to gain title to the lands they held. This was reserved for future federal legislation.

The District Organic Act (an act providing for a civil government for Alaska) 25 Stat. 24 – May 17, 1884 established Alaska as a judicial district and a land district for the purposes of mining

claims only. Laws relating to mining were put into full force including what is now known as RS2477, which allowed the right-of-way for public highways across unreserved public lands. The missions were given permission to occupy the lands they held – up to 640 acres per missionary station. The extension of general land laws was excluded from the act.

In 1885 Governor Swineford stated:

*At Juneau, a most active, prosperous town, with a dozen or more general merchandising establishments, churches, newspaper, theater, water-works, etc., not one of the resident citizens is possessed of any other title to the land upon which his home or place of business is located than that which the mere fact of possession gives him, while the same is true of those who have invested their capital in business enterprises in other parts of the territory.*

Governor Swineford estimated the 1887 population of Alaska to be 6,500 whites, 1,900 Creoles, and 41,450 natives.

Even with the Mining Laws in place via the Organic Act, the rush to file claims in the Sitka Land Office was slow. By June of 1889 only eight mining claims and one millsite claim had been recorded although there were 11 known millsites at the time. Governor Lyman Knapp explained that most of the business enterprises in Alaska were of foreign origin and although they paid for leases and other fees, their products were taken out of Alaska. Those who reaped the profits as owners and shareholders were not American citizens. He suggested that Congress encourage American settlement and enterprise by supporting development and that the territory generated enough revenue to deserve such support. He stated:

*The United States realizes an annual income of \$317,500 from its contract with the Alaska Commercial Company alone*

*besides something from other sources. The annual appropriations for the support of civil government amount to \$37,350 and the schools are allowed to use between \$25,000 to \$50,000 more according to the economical ideas of each particular Congress. And whether the other departments [by collection of fees for their services] pay their own way, there is a handsome profit to the credit of the territory.*

He went on to say, more or less, that withholding the basics such as land laws, Public Surveys, a Congressional Representative, suitable mail service, a sensible timber law, and provisions for the sick and insane was not justified. The people's inability to secure title to their lands left them without the initiative to improve their property beyond minimal shelter. The timber law prohibiting whites from cutting timber on public land (all land in Alaska) left them without the materials to do so. The lack of any law to facilitate the purchase of timber rights left them with no alternatives. All lumber had to be imported at high prices.

*The encouragement given to mining by the full extension of the mining laws has pushed that industry forward by leaps and bounds.*

*But those who have been residents of the territory for 20 or more years, and who have almost in defiance of regulations and rules settled upon and improved the lots of land for homesteads, have waited in vain for Congress to extend the general land laws.*

*Perhaps nothing has so retarded the true and substantial growth of Alaska as this helplessness on the part of the settlers to obtain title to their homes.*

The following is a summary list of the applicable mining laws passed by Congress prior to the Organic Act:

- 1866 – The Mining Act declared all mineral lands of the public domain free and open to exploration and occupation. The General Land Office established mineral surveying districts. Prospectors, after filing at the nearest land office, could claim mineral vein or lode upon payment of \$5 an acre.
- 1870 – Act of July 9 provided for survey and sale of placer mining lands at \$2.50 an acre. Also known as the Placer Mining Act.
- 1872 – General Mining Law identified mineral lands as a distinct class of public lands subject to exploration, occupation, and purchase under stipulated conditions. Claims for metallic minerals on about 20 acres of public lands were filed under this act, which legalized the appropriation of such lands for mining purposes much in accordance with local procedures established during the California gold rush, which, in turn, were based on earlier Spanish mining laws of the early southwest. The act promoted private prospecting and development of metallic minerals on public lands by protecting private interests in mining claims. Under this act, all mineral lands were declared open to exploration and occupation, mining claims located on such lands were recognized and confirmed, and patents to such lands could be obtained from the Government. To obtain a patent for mining lands, it was necessary (1) to make a valid mineral discovery, (2) to invest \$100 in improvements annually for five years, (3) to pay for a boundary survey, and (4) to apply for the surface area of the lands included by the boundary at \$2.50 an acre for a placer mine or at \$5.00 an acre for a lode mine.
- 1873 – Act of March 3 (Coal Lands Law) authorized the location and sale of lands chiefly valuable for coal deposits. (This law was not extended to Alaska until 1900.)

Section 8 of the Organic Act extended the mining laws in general to Alaska. However, all other federal land laws were excluded. The governor's reports each year consistently reveal how this paralyzed the progression of settlement in Alaska.

When mines were located near the Canadian/Alaskan border the miners were in doubt as to whether they should file their claim in Canada or the United States. The international border had never been located on the ground. Many filed their claims with both countries, paying fees to both governments, to ensure they would not be evicted.

Governor Swineford described the Organic Act as being:

*...wholly unlike anything ever before inflicted upon a new territory, in that it is chiefly remarkable for the rights, privileges, and powers it expressly withholds and denies, rather than for those it confers; for the insurmountable obstacles it placed in the way of substantial progress; rather than for the aid and encouragement naturally to be expected, and which is so essential to the settlement and development of a new country.*

On February 6, 1888 southeastern Alaska was divided into three recording districts with offices in Sitka, Juneau, and Fort Wrangell. Mining claims could be filed in these locations but patent applications were all sent to Sitka. In 1890 Governor Lyman E. Knapp reported that a total of 14 mining claim patents and five mill-site patents had been issued by the United States in Alaska with many more applications on file to be processed. He further criticized the slow work of the coast surveys for the purpose of making more accurate navigation charts and stated that ten shipwrecks had occurred that year alone.

Some hope was found when “an act to repeal the timber-culture laws and for other purposes” was passed March 3, 1891. Townsite law was extended to Alaska with the additional provision that the purchase of land for business and manufacturing sites was authorized. By 1892 applications for one townsite (Juneau) survey and 69 business/manufacturing site surveys had been filed. The

various businesses included canneries, salteries, sawmills, fishing stations, and cattle ranches. Such claims were limited to 160 acres at a filing price of \$2.50 per acre. This law was not implemented as cleanly as one would expect. In his 1898 report Governor John G. Brady raised the following example:

*In one case, where the survey had been approved, where final proof had been made, the land paid for under the regulations of the Department, the receipts of the register and receiver issued to the applicant, and all the papers forwarded to the General Land Office for a patent to issue, the applicant was informed that 20 acres only would be allowed because his improvements did not appear to cover more, and upon appealing to the Secretary it was allowed that his improvements might cover 50 acres, and that if he accepted this he must have it surveyed again at his own expense and pay [another] \$2.50 per acres besides – that there is no provision of law to pay back to him the money [\$2.50 for 160 acres] which he paid to the receivers, whose receipt he holds.*

*The Land Office has issued one patent only under the law of March 3, 1891 for trade and manufacture.*

*Seven years have passed and the law as interpreted has only been a hindrance and a costly thing to those who have attempted to acquire lands under its provisions.*

Governor Brady continued:

*The Act of Congress approved May 14, 1898, makes a feeble attempt to extend homestead rights to Alaska. It provides:*

SEC 1. That the homestead land laws of the United States and the rights incident thereto, including the



right to enter surveyed or unsurveyed lands under the provisions of law relating to the acquisition of title through soldiers additional homestead rights, are hereby extended to the district of Alaska, subject to such regulation as may be made by the Secretary of the Interior; and no indemnity, deficiency, or lieu lands pertaining to any land grant whatsoever originating outside of said district of Alaska shall be located within or taken from lands in said district; *Provided*, that no entry shall be allowed extending more than 80 rods along the shore of any navigable water, and along such shore a space of at least eighty rods shall be reserved from the entry between all such claims and that nothing herein contained shall be so construed as to authorize entries to be made or title acquired to the shore of any navigable waters within said district: *and it is further provided* that no homestead shall exceed 80 acres in extent.

*If anyone wants to know how valueless this law is to the settler, let him read the analysis of the law in a circular from the General Land Office issued June 8, 1898.*

*There are no surveyed lands in Alaska nor has any system of survey been provided. It is impossible, therefore, for a poor settler to acquire a homestead. If he were able and willing to stand the expense of a survey, he has no assurance that it would be accepted by the government. If he settles as a squatter and makes improvements, he cannot tell how future surveys may affect him.*

*Not a single homesteader has attempted to make entry under this law in the land office at Sitka.*

He then added that Congress did not know the conditions of

Alaska and could not provide suitable laws. He noted that in the debate for this act one member of Congress had stated:

*Gentlemen, men are not going to flock to Alaska for the purpose of making homes. Men would not want to take homes where they would in many instances have to take dynamite in order to blow off the ice to reach the ground. There are countries nearby vastly superior for such purposes!*

Only four entries had been made by soldiers that year under the act. One was a retired sea captain over 76 years old and anxious to obtain his patent. He had claimed a 6.1 acre tract north of Sitka, had spent \$250 for filing and attorney's fees, and had yet to pay for the survey. The governor doubted the fellow would live long enough to own his vegetable garden.

A number of filings had been made for the right of way for railroads, wagon roads, and wire rope tramways under this same act. The first railway that was not specifically for mining use was built by the Pacific and Arctic Railway and Navigation Company in the year following the act of May 14, 1898. It ran the 14 miles over White Pass from Skagway to Bennett.

In addition to protecting the navigable waters from homestead claims the act stated this about the tidelands and navigable waters:

*Provided, that nothing in this act contained shall be construed as impairing in any degree the title of any State that may hereinafter be erected out of said district or any part thereof, to tide lands and beds of any navigable waters, or the right of such State to regulate the use thereof, nor the right of the United States to resume possession of such lands it being declared that all such rights shall continue to be held by the United States in trust for the people of any State or States which may hereafter be erected out of said district. The term*

*“navigable water” as herein used shall be held to include all tidal waters up to the line of ordinary high tide and all nontidal waters navigable in fact up to the line of ordinary high-water mark.*

The unfortunate result was that miners could not mine the beaches past the line of ordinary high tide or the beds of creeks and rivers large enough to be navigable in fact. The governor called for these laws to be modified so that the rich beaches of Nome and other locations could be mined either under the regular mining laws or by lease from the Department of Interior.

The nineteenth century closed with the passing of a criminal code for Alaska. The district was no longer tied to the laws of Oregon as stipulated in the Organic Act. 1900 opened a new decade of progress for the district but the last sentence of Section 27 of the code had reiterated the Organic Act’s denial of general land laws: “but nothing contained in this act shall be construed to put in force in the district the general land laws of the United States.”

By this time only one townsite patent had been issued (Juneau). On March 3, 1899 Congress finally extended the system of public land surveys to Alaska but up to March 1901, no surveyor had been on the ground to begin the work. The governor called for several general revisions to the laws.

He asked that the 80 acre limit for homesteads be increased to the customary 160 acres, that the requirement to alternate entries along navigable waters with reserved land be repealed, and that the provision for ‘a roadway right-of-way 60 feet in width parallel to the shore line as near as may be practicable shall be reserved for the public as a highway’ be eliminated.

In 1900 the total population of Alaska was estimated to be 63,600 people.

On June 6, 1900 an act was approved extending sections 2347 to 2352 of the Revised Statutes that related to coal lands (Act of March 3, 1873 Coal Lands Law). It had long been known that Alaska contained large coal beds in many areas including several of the islands. Mining claims had previously been recorded but none were processed to fruition. This law was no doubt due to pressure from the railway, steam ship, and mining people who wished for a local and economical source of fuel. However, once again, imposing survey requirements unattainable in the district thwarted the effort. The final paragraph of a letter to the Registers and Receivers in the District of Alaska from Binger Hermann, the Commissioner of the Department of the Interior, stated:

*Although the system of public land survey was extended to the District of Alaska by a provision contained in the act of Congress approved March 3, 1899 (30 Stat. 1098) no township or subdivisional surveys have been made, nor have any standard lines or bases for township and subdivisional surveys been established within the district; therefore until the filing in your office of the official plat of survey of the township no coal filing nor entry can be made.*

The town of Sitka would not even apply for a townsite entry because the rights of the 20 Russian landholders from 1867 had never been defined, deeds had never been provided, and the lots were not surveyed. The citizens of Sitka could not guess how to treat these lots in their townsite application. The Supreme Court, in *Kinthead v. United States*, had denied the legitimacy of the Russian grants and stated the following about the legal status of the claimants:

*As we have already expressed the opinion that they [Commissioners Rousseau and Pestchouroff] possessed no*

*power to vary the language of the treaty or to determine questions of title or ownership, it results that their action was not binding upon the government.*

In other areas work was progressing. The United States Geologic Survey was funded to send exploration parties across Alaska. Several maps and reports had been printed and the work continued. A movement had begun in the United States to require that land be more accurately categorized prior to survey and offer for homesteading. The USGS investigations helped to segregate lands most suitable for agriculture.

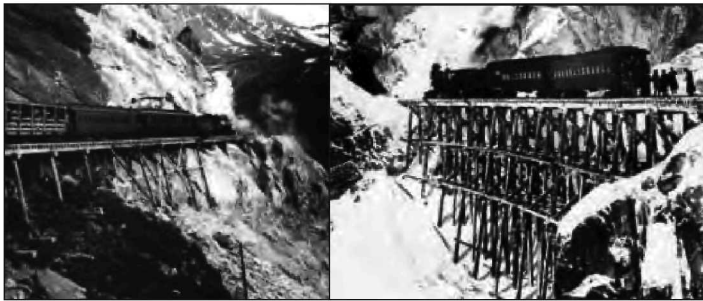
The Coast and Geodetic Survey continued to map the coastline and improve navigational charts. The mariners had complained of several areas of significant magnetic disturbance and a magnetic observatory base station was to be located in Sitka. The extensive and complex coastline of the Inside Passage demanded continual refinement of charts to reduce the risk for navigation. Waterways remained the most prominent form of transport in the district.

The act of 1891 included a provision that the Annette Islands be reserved for the Metlakatla Indians. Other groups remained in their "squatter" status. A game law passed in 1899 included a paragraph reserving St. Paul and St. George Islands. It was unlawful for anyone to live or even to land on these Islands.

### *The Twentieth Century Gold and Neglect*

The plight of Alaska changed slowly as each session of Congress brought minor tweaking to the laws that could be applied to the district. Any law passed in Congress for the rest of the United States was not automatically extended. They picked, chose, and crafted laws specifically for each locale. Many laws that were proposed and

debated for Alaska did not pass. The governor's reports occasionally suggested that those who could profit from keeping the legal system to a minimum were lobbying Congress. Every governor lamented that the district was not allowed to send an official representative to Washington who would represent the real desires of the people and unique character of the land. They believed that this, more than anything, allowed Congress to neglect and misunderstand the conditions of the district and needs of its people. Of all the regions annexed to the United States only Alaska and the District of Columbia remained under the direct supervision of Congress. All others had attained the status of either a territory or a state.



Early White Pass Railway

[www.ryerson.ca/~amackenz/history/international/c.html](http://www.ryerson.ca/~amackenz/history/international/c.html)

The foremost of these needs, according to several of the governors, was the extension of land and homesteading laws. Several reported to Congress that they received mail from potential immigrants in Europe and Scandinavia who were interested in farming. The governors had to return their letters of inquiry with the disheartening reality that there was no method in place for anyone to obtain title to land regardless of their sincere efforts to develop it, make a good home for themselves, and become responsible citizens.

The 1900 governor's report by John G. Brady included an estimate for implementing the land survey system in Alaska. It proposed 288 miles of baselines, meridians, and standard parallel lines, 864 township lines, and 3,840 miles of subdivision lines all at a price of 25¢ per mile for a total of \$103,872. He asked that an appropriation be granted for the work.

That year Congress appropriated a total of \$5,000 to establish a baseline and meridian in the Copper River Valley. Only two surveyors responded with a bid and the one selected could not provide a bond. No land survey work was begun. The total of land patented in 1901 was for the townsite of Juneau (121.52 acres when finalized) and 20 patents for business and manufacturing that totaled 1,672 acres. The caveat to the latter was that the process was so miserable and the applicants had lost so much money, nearly everyone who applied for a survey and made a deposit regretted it.

Oddly, the lack of land title did not stop some people from establishing vegetable and grain farms. The governor supported his claim that Alaska could very well become a productive land by citing many examples of successful farming enterprises. Congress apparently attempted to fulfill the request for homesteads in Public Law 152 dated March 3, 1903. The act amended the 1898 law:

*No indemnity, deficiency, or lieu land selection pertaining to any land grant outside of the district of Alaska shall be made and no land scrip or land warrant of any kind whatsoever shall be located within or exercised upon any lands in said district, except as now provided by law. And provided further that no more than one-hundred and sixty acres shall be entered in any single body by such scrip, lieu selection, or soldier's additional homestead right...*

The governor pointed out that no such provision existed in Alaska and therefore, no entries could be allowed under this part of

the law. The act enlarged the limit on private boundary along a navigable waterway to 160 rods with 80 rods reserved from entries alternately. The homestead was allowed to be as much as 320 acres, had to be located in a rectangular form with north/south lines on the true meridian, could not be more than one mile in its greatest length, was required to be marked with permanent monuments, and recorded by the settler with an accurate description of the location at the land office within 90 days after entry. This generous homestead size mimicked the 1877 Desert Land Act which allowed 640 acres for irrigation farms (revised in 1891 to 320 acres). The large, non-irrigation homestead size was unique to Alaska until 1909 when the Enlarged Homestead Act increased the area limitation in western states to 320 acres of public lands, provided they were classified as dry-farming lands and not susceptible to irrigation.

By 1905 major railroad corporations were visiting Alaska with an interest in building railways to the interior. The military Signal Corps had built telegraph lines to connect the towns of major importance. An act dated January 27, 1905 established a road commission of army officers who were assigned the task of surveying and building wagon roads and trails in the district. The Copper River Meridian was finally created in 1905. The Fairbanks Meridian followed in 1910 as did the Seward Meridian in 1911.

On May 17, 1906, a homestead law was approved that authorized the Secretary of the Interior to allot homesteads to Natives of Alaska. These were limited to 160 acres, were to be nonmineral lands, and were exempted from local taxation.

A total of 439 non-Native homestead applications had been recorded by 1908. President Roosevelt withdrew Alaska's coal reserves from entry in November 1906. The move was extremely unpopular but Roosevelt issued his edict because, in his opinion, existing laws limiting coal mine claims to 160 acres were unworkable and conducive to fraud. He wished to eliminate monopolies



and price fixing. The lack of access to local coal was disappointing to those who contemplated railroad construction in the district. The Department of the Navy and the steamship industry in general were competitors for coal. With the railways temporarily stymied, road and trail construction gained emphasis. By 1908 the military road commission had constructed or improved 165 miles of wagon roads, 383 miles of sled roads, and 241 miles of trail. The total cost was \$690,000.

On May 28, 1908, Congress passed the Alaska Coal Act, which permitted lands intended for coal developments to be consolidated in claims of up to 2,560 acres but made no provision for a leasing system. Soon afterward, construction on the Alaska Central Railroad stopped and the company transferred its assets to the Alaska Northern. The company complained that no one could obtain a lease or title to coal lands and until the problem was settled, they could not operate economically. On the other hand, the total 1909 gold production in Alaska was \$20,463,000 – second only to 1906. In 1908 at least seven short rail lines continued to flourish in the mining districts of Southeast and the Copper River Valley. By 1910 the Copper River and Northwestern Railway had established a port in Cordova and laid 131 miles of track to Chitina including a large bridge over the Copper River. A 70-mile extension was planned from Chitina into the copper mines. Construction of the Alaska Northern Railroad remained at a standstill until 1912, when Congress authorized the construction of the Alaska Railroad. Coal imported from British Columbia sold for \$18 per ton in Alaska. The governor estimated this to be six times the price that might be charged for locally obtained coal.

Towns were often incorporated before their townsite entry surveys were approved allowing residents to own the land under their homes and businesses. The following table lists Alaskan cities that were incorporated prior to 1914. The population data is approximate.

City	Population at Incorporation	Incorporated	Townsite Survey
Skagway	3117	1900	1909
Juneau	1800	1900	(Certificate 1897) 1901
Eagle	300	1901	1909
Nome	4500	1901	Certificate 1906
Valdez	1300	1901	1912
Treadwell	1500	1901	No data
Douglas	1780	1902	1918
Fairbanks	4000	1903	1910
Wrangell	350	1903	1906
Chena	200	1904	No data
Ketchikan	1468	1906	1910
Cordova	1100	1909	1923
Haines	300	1910	1918
Petersburg	585	1910	1919
Iditarod	650	1911	No data "Ghost Town"
Seward	No data	1912	No data
Sitka	1200	1913	1926

In June of 1912 Congress passed an act that reduced the amount of time allowed for a homesteader to implement cultivation and apply for patent from five to three years. This was also the year that Alaska left its district status behind and became a territory under Congress' Public Act No. 334 approved August 24, 1912. See Appendix E. The report for 1912, prepared by Governor J. F. A. Strong said this about the land laws:

*The simplification of the land laws as applied to Alaska is desirable. Under the present law 320 acres of land may be entered outside of national forest and 160 acres within their boundaries. If the locations are made within any considerable area of level land, the claimant may expect to secure a survey of the land, if it has not been made, according to the subdivisional system of surveys and at government expense. If his location is isolated or along the shoreline of Alaska, he must*

*expect to make his own private survey at his own expense. In the submission of his proof, he finds he is governed by the present so-called "three years' homestead law" of June 6, 1912. Delays in securing the approval of his survey, either subdivisional or private, follow, due to the insufficiency of the appropriation for surveys, the consequent want of assistance in the surveyor general's office of men in the field for the examination of surveys, and the extreme difficulty experienced by surveyors and the local land officers in reconciling the meaning and requirements of the law when it is sought to apply its terms to actual conditions. The application of the requirements of the statutes to private surveys is most difficult and the expense of securing the survey itself is almost prohibitive. The three years' homestead law specifically declares that the claimant must be present on the homestead for at least seven months in the year and that he must show when he submits his proof that he has cultivated at least one-eighth of the area entered. Homesteaders in the timber areas of Alaska under the conditions there obtaining cannot clear and cultivate one-eighth of 160 acres or 320 acres within three years' period. The advisability of amending the homestead laws so as to allow persons to locate homesteads in Alaska who have already used their rights elsewhere in the United States is worthy of consideration, inasmuch as it might be the means of aiding in the more speedy settlement and cultivation of farming lands in Alaska.*

One might assume that gaining territorial status would allow Alaska to resolve many of the problems associated with land disposition and settlement. This was not the case. Congress retained control of the land, minerals, fish, and wildlife. They continued to micromanage the territory and pick and choose how and when laws and appropriations would be extended. Section 20 of the act

to create a legislative assembly in the Territory of Alaska stated:

*That all laws passed by the Legislature of the Territory of Alaska shall be submitted to the Congress by the President of the United States, and, if disapproved by Congress, they shall be null and of no effect.*

The governors continued to make annual reports advising, begging, and goading the federal government for meaningful support and relief. Over the years, the squatter population of Alaska grew steadily and prospered in spite of it all.

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## 2004 Student Showcase Presenters

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### **Thomas Allen**

*Effects of Communication Medium on Negotiation*

Business Administration 461 –

Negotiation and Conflict Management

Dr. Frank Jeffries, Associate Professor

### **Meggie Aube**

*Concerto for Marimba and Orchestra: II Lamento*

Music 261 – Private Lessons/Percussion

Mr. John Damberg, Instructor

### **Katch Bacheller**

*Classification of Primitive Placental Mammals*

Geology 497 – Independent Study

Dr. Kristine Crossen, Associate Professor

### **Erika Brandner**

*Pedagogy in Mathematics: An Ethnographic Study of  
Communication and Research Practices, Facilities/Lab Resources,  
and Public Perception of the Mathematics Profession*

English 213 – Writing in the Social and Natural Sciences

Dr. Jacqueline Cason, Instructor

### **Nicholas Bronson**

*The Sound of Our Voice Talking*

English 213 – Writing in the Social and Natural Sciences

Dr. Jacqueline Cason, Instructor

### **Molly Brown**

*Horn Concerto No. 2*

Music 462 – Private Lessons/Tuba

Mr. Philip Munger, Instructor

**Patty Brown-Schwalenberg**

*The Exxon Valdez Oil Spill; Impacts and Response  
from a Tribal Perspective*

Anthropology 490 – Contemporary Alaska Native Society

Dr. Steve Langdon, Professor

**Derek Delgado**

*Nocturne in C minor, op. 48 #1*

Music 467 – Piano Master Class

Dr. Timothy Smith, Professor

**Mareen Dennis, Jenniffer Gonzalez, Anthony Johnstone**

*Body Image*

Psychology 261 – Research Methods

Ms. Vicki Wesolowski, Instructor

**Laura Eidam**

*Fact or Fiction: Oliver Twist & Victorian Workhouse*

English 340 – The Victorian Period

Dr. Genie Babb, Associate Professor

**Dawn Gardner**

*A Look at Feminism in Louisa May Alcott and Hospital Sketches*

English 306 – U.S. Literature I

Dr. Genie Babb, Associate Professor

**Cheryl Gibson**

*The Lifespan of Novae in the Andromeda Galaxy*

Liberal Studies Integrated Sciences 202 – Concepts

and Processes: Natural Science

Dr. Travis Rector, Assistant Professor

**Jessica Ramsey Golden**

*Mapping the Problematization of Patriarchy Through the Tales of*

*St. Mary/Marinos and St. Marina*

English 315 – Survey of Medieval Literature

Dr. Dan Kline, Associate Professor

**Laraine Gordon**

*If Somebody There Chanced to Be (The Etiquette Song)*

*Deh Vieni, Non Tardar*

Music 162 – Private Lessons/Voice

Ms. Jean Saunders, Instructor

**Kristi Hamilton**

*Antidepressant Case Study*

Nursing Sciences 309 – Pharmacology in Nursing

Dr. Tina DeLapp, Professor

**Jessica Harvill**

*Ethnomedicine, Practice and Beliefs of the Hmong People:*

*Considerations for Western Medical Practitioners*

Anthropology 333 – Peoples and Cultures of Southeast Asia

Dr. Kerry Feldman, Professor

**Joe Hoffsetz**

*Monism and Non-Duality: The Metaphysics and*

*Epistemology of “Oneness”*

Philosophy 313 – Eastern Religion and Philosophy

Dr. Richard Cameron, Assistant Professor

**Rebecca Horton**

*The Question of Identity: A Matter of Survival in Stalinist Russia*

History 447 – Senior Seminar

Dr. Elizabeth Dennison, Associate Professor

**Katie Johnson, Sophia Pressley,**

**Breckan Scott & Lynette Sears**

*Evaluating Program Achievement: A Participant’s View*

Sociology 454 – Social Research

Mr. Gale Smoke, Instructor

**Christopher Johnston**

*Gathering 3D Data from 2D Photographs using a Volumetric*

*Reverse Stereo Correspondence Algorithm*

Computer Science 490 – Mathematical Sciences

Dr. David Meyers, Assistant Professor



**Jessica Keil**

*Thems That Woo, Do Voodoo*

English 424 – Shakespeare

Dr. Robert Crosman, Associate Professor

**Peggy McBride-Spindle**

*The Trees on the Mountains (from Susannah)*

Music 461 – Private Lessons/Voice

Dr. Mari Hahn, Assistant Professor

**Kerry Neely**

*History, Truth, and Peace in Danticat's The Farming of Bones*

English 404 – Topics in Women's Literature

Dr. Genie Babb, Associate Professor

**Kiel Schweizer**

*Sadeo 1st Allegro, 2nd Andantino, 3rd Andante*

Music 297 – Private Composition

Dr. George Belden, Associate Professor

**Brian Singler**

*UAA and the Iraq War*

Journalism and Public Communications 309 – Radio News

Mr. Mel Kalkowski, Instructor



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STUDENT SHOWCASE PROGRAM